

ORDINANCE NUMBER O- 21409 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 27 2022

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 1, AND SECTIONS 511.0101, 511.0102, 511.0103, 511.0104, AND 511.0105; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 2, AND SECTION 511.0201; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 3, AND SECTIONS 511.0301, 511.0304, 511.0307, 511.0308 AND 511.0319; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 4, AND SECTIONS 511.0401, 511.0403, 511.0404, 511.0405, AND 511.0406; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 5, AND SECTIONS 511.0505, 511.0507, AND 511.0511; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 6, AND SECTION 511.0601; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 7, AND SECTION 511.0701; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 8, AND SECTION 511.0801; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 9, AND SECTION 511.0901; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 10, AND SECTION 511.1001; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 11, AND SECTIONS 511.1103, 511.1104, AND 511.1105; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 12, AND SECTION 511.1201; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 13, AND SECTION 511.1301; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 14, AND SECTION 511.1401; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 15, AND SECTION 511.1501; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 16, AND SECTION 511.1601; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 17, AND SECTION 511.1701; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 18, AND SECTION 511.1801; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 19, AND SECTION 511.1901; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 20, AND SECTION 511.2001; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 21, AND SECTION 511.2101; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 22, AND SECTION 511.2201; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 23, AND SECTION 511.2301; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 24, AND SECTION 511.2401; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 25, AND SECTION 511.2501; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 26, AND SECTION 511.2601; BY ADDING CHAPTER 5,

ARTICLE 11, DIVISION 27, AND SECTION 511.2701; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 28, AND SECTION 511.2801; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 29, AND SECTION 511.2901; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 30, AND SECTION 511.3001; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 31, AND SECTION 511.3101; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 32, AND SECTION 511.3201; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 33, AND SECTION 511.3301; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 34, AND SECTION 511.3401; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 35, AND SECTION 511.3501; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 36, AND SECTION 511.3601; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 37, AND SECTION 511.3701; BY ADDING CHAPTER 5, ARTICLE 11, AND DIVISION 38, AND SECTION 511.3801; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 39, AND SECTION 511.3901; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 40, AND SECTION 511.4001; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 41, AND SECTION 511.4101; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 42, AND SECTION 511.4201; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 43, AND SECTION 511.4301; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 44, AND SECTION 511.4401; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 45, AND SECTION 511.4501; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 46, AND SECTION 511.4601; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 47, AND SECTION 511.4701; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 48, AND SECTION 511.4801; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 49, AND SECTION 511.4901; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 50, AND SECTION 511.5001; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 51, AND SECTION 511.5111; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 52, AND SECTION 511.5201; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 53, AND SECTION 511.5301; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 54, AND SECTION 511.5401; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 55, AND SECTION 511.5501; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 56, AND SECTION 511.5601; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 57, AND SECTION 511.5701; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 58, AND SECTION 511.5801; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 59, AND SECTION 511.5901; BY ADDING

CHAPTER 5, ARTICLE 11, DIVISION 60, AND SECTION 511.6001; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 61, AND SECTION 511.6101; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 62, AND SECTION 511.6201; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 63, AND SECTION 511.6301; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 64, AND SECTION 511.6401; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 65, AND SECTION 511.6501; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 66, AND SECTION 511.6601; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 67, AND SECTION 511.6701; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 68, AND SECTION 511.6801; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 69, AND SECTION 511.6901; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 70, AND SECTION 511.7001; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 71, AND SECTION 511.7101; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 72, AND SECTION 511.7201; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 73, AND SECTION 511.7301; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 74, AND SECTION 511.7401; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 75, AND SECTION 511.7501; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 76, AND SECTION 511.7601; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 77, AND SECTION 511.7701; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 78, AND SECTION 511.7801; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 79, AND SECTION 511.7901; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 80, AND SECTION 511.8001; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 81, AND SECTION 511.8101; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 82, AND SECTION 511.8201; BY ADDING CHAPTER 5, ARTICLE 11, DIVISION 83, AND SECTIONS 511.8300, 511.8301, 511.8302, 511.8303, 511.8304, 511.8305, 511.8306, 511.8307, 511.8308, 511.8309, 511.8310, 511.8311, 511.8312, 511.8313, 511.8314, 511.8315, 511.8316, 511.8317, 511.8318, 511.8319, 511.8320, 511.8321 AND 511.8322, ALL RELATING TO FIRE REGULATIONS AND THE ADOPTION OF THE 2019 CALIFORNIA FIRE CODE BY THE STATE OF CALIFORNIA.

WHEREAS, every three years the State of California adopts an updated version of the California Building Standards Code, which includes the California Fire Code; and

WHEREAS, the City of San Diego (City) adopts the latest edition of the California Fire Code in coordination with the State of California; and

WHEREAS, the City's adoption of the 2019 California Fire Code is incorporated in the San Diego Municipal Code; and

WHEREAS, this process provides an additional opportunity for the City to modify local regulations and maintain local and statewide consistency; and

WHEREAS, with a few modifications, the City wishes to adopt the most recent edition of the California Fire Code, which took effect throughout the State on January 1, 2020; and

WHEREAS, this ordinance supplements state law and protects the health and safety of the citizens of the City of San Diego; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 5, Article 11, Divisions 1 through 83 of the San Diego Municipal Code, are hereby added as follows:

Chapter 5:

Article 11: Fire Protection and Prevention

Division 1: Adoption of the 2019 California Fire Code

§511.0101 Adoption of the 2019 California Fire Code, Purpose and Intent, and Administrative Provisions.

- (a) **Portions of the California Fire Code (2019 Edition) adopted.** Except as otherwise provided in this Article, the California Fire Code (2019 Edition), which incorporates and amends the International Fire Code (2019 Edition), including adopted appendices, is hereby adopted and shall be in full force and effect. A copy of the California Fire Code (2019

Edition), is on file in the office of the City Clerk as Document No. OO-

21409. The California Fire Code (2019 Edition), is referred to in this Article as the 2019 California Fire Code.

(b) Relationship of the San Diego Municipal Code section numbers to the 2019 California Fire Code section numbers.

This Chapter of the San Diego Municipal Code sets forth (1) the portions of the 2019 California Fire Code that the City has not adopted in the San Diego Municipal Code, (2) the portions of the 2019 California Fire Code that the City has amended and adopted in the San Diego Municipal Code, and (3) the portions of the San Diego Municipal Code that were adopted as Local Additions that augment the 2019 California Fire Code. Text is included within this Chapter of the San Diego Municipal Code only where the City has not adopted or has amended the 2019 California Fire Code, or has adopted Local Additions that augment the 2019 California Fire Code. Otherwise, pursuant to paragraph (a) above, all portions of the 2019 California Fire Code are adopted in full.

In order to easily locate various sections of the 2019 California Fire Code contained within this Chapter of the San Diego Municipal Code, the numbering system of the Divisions within Chapter 5, Article 11 reflects the corresponding numbering system of the 2019 California Fire Code. For example, section 304.1.2 of the 2019 California Fire Code is reflected in Chapter 5, Article 11, Division 3, as section 511.0304. Also, sections within the 2019 California Fire Code retain those same section numbers

when referred to within the text of the San Diego Municipal Code. For example, section 308.1.4 of the 2019 California Fire Code will also be cited as California Fire Code section 308.1.4 within the text of the San Diego Municipal Code.

Where the City has adopted an entire Chapter of the 2019 California Fire Code, the corresponding Division number within this Chapter is “reserved.”

- (c) **Definitions.** Whenever the following terms appear within the text of the 2019 California Fire Code, they shall have the following definitions:
Fire Code Official means the Fire-Rescue Chief of the City of San Diego, or any member of the Fire-Rescue Department designated by the Fire-Rescue Chief to carry out the provisions of this Article.
Municipality or Jurisdiction means the City of San Diego.
- (d) **Effective Date.** Unless otherwise stated in a specific San Diego Municipal Code section or 2019 California Fire Code section adopted by the City, the effective date of the City’s Adoption/Local Amendment/Local Additions to the 2019 California Fire Code shall be January 1, 2019.
- (e) **Reference to California Building Code.** Any reference within the San Diego Fire Code to the “C.B.C.” or “California Building Code” shall refer to those provisions of the California Building Code as adopted by Chapter 14 of the San Diego Municipal Code.

§511.0102 Portions of the 2019 California Fire Code Not Adopted

The following sections of the 2019 California Fire Code are not adopted:

- (a) Section 105.6.30
- (b) Section 308.1.4
- (c) Sections 319.1 through 319.10.3
- (d) Section 401.2
- (e) Section 401.4
- (f) Sections 403.3 through 403.4
- (g) Sections 403.6 through 403.10.2.1
- (h) Sections 403.10.2.1.2 through 403.11.5
- (i) Sections 404.1 through 404.4.1
- (j) Sections 405.1 through 406.3.4
- (k) Section 510.2
- (l) Sections 1103.1 through 1103.3.2
- (m) Sections 1103.4 through 1103.6.2
- (n) Sections 1103.7.1 through 1103.7.2
- (o) Sections 1103.7.4 through 1103.7.6
- (p) Sections 1104.10 through 1104.15
- (q) Sections 1104.17 through 1104.23
- (r) Section 1104.25
- (s) Sections 1105.1 through 1105.11.2
- (t) APPENDIX A
- (u) Section D104.1 only of APPENDIX D
- (v) APPENDIX E through APPENDIX O

§511.0103 Local Amendments to the 2019 California Fire Code Adopted by the City of San Diego

The following sections or sub-sections of the 2019 California Fire Code are amended by this Article:

- (a) Chapter 1, Section 109.1, "Board of Appeals"
- (b) Chapter 3, Section 304.1.2, "Vegetation"
- (c) Chapter 3, Section 307.4.1, "Bonfires"
- (d) Chapter 5, Section 505.1, "Address identification"
- (e) Appendix Chapter D, Section D103.5, "Fire apparatus access road gates"
- (f) Appendix Chapter D, Section D103.6, "Signs"
- (g) Appendix Chapter D, Section D106.2.1, "Multiple-Family Residential Developments"

§511.0104 Local Additions to the 2019 California Fire Code Adopted by the City

The following sections are adopted as Local Additions to the 2019 California Fire Code:

- (a) Chapter 3, Section 301.1.1, "Very High Fire Hazard Severity Zones"
- (b) Chapter 3, Section 304.1.2.1, "Clearance of Brush and Vegetative Growth from Roadways"
- (c) Chapter 3, Section 304.1.2.2, "Waste Material"
- (d) Chapter 4, Section 403.12.1.3, "Standby Fire Department Personnel"
- (e) Chapter 5, Section 507.5.7, "Identification"
- (f) Chapter 50, Section 5001.1.2, "Hazardous Materials HAZMAT Program Legislative Declaration and Findings"

- (g) Chapter 50, Section 5001.1.3, "Purpose of HAZMAT Program"
- (h) Chapter 50, Section 5001.1.4, "HAZMAT Inspections"
- (i) Chapter 50, Section 5001.1.5, "Fees"
- (j) Chapter 56, Section 5601.1.3.1, "Where Prohibited"
- (k) Chapter 56, Section 5601.2.4.2.1, "Liability Insurance"
- (l) Appendix D, Section D106.2.1, "Multiple-Family Residential Developments"

§511.0105 California Fire Code, Chapter 1 - Scope and Administration

- (a) Not Adopted. Section 105.6.30, Mobile food preparation vehicles, is not adopted.
- (b) Local Amendment. Section 109.1, Board of Appeals, is amended to read as follows:

When a question involving the interpretation of the intent and purpose of any provisions of the San Diego Fire Code or the suitability of alternate materials and types of construction is presented to the *Fire Code Official*, the *Fire Code Official* may request the Board of Building Appeals and Advisors (Board) to investigate such matters under the procedures established in section 111.0207 of the San Diego Municipal Code regarding building inspection. The request for Board action may come from any citizen affected by the San Diego Fire Code.

Article 11: Fire Protection and Prevention

Division 2: RESERVED

§511.0201 Division Reserved: Chapter 2 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 3: General Precautions Against Fire

§511.0301 General Precautions Against Fire

- (a) Local Addition. Section 301.1.1, Very High Fire Hazard Severity Zones, is added as follows:

The Council of the City of San Diego adopts the Very High Fire Hazard Severity Zones as recommended by the Director of the California Department of Forestry and Fire Protection, and adopts the Brush Management Zones, as defined in Municipal Code section 142.0412, as Very High Fire Hazard Severity Zones, as designated on a map titled, "Very High Fire Hazard Severity Zone Map – Local Responsibility Areas", dated July 21, 2009, on file with the City Clerk as Document number OO-19884.

§511.0304 Combustible Waste Material

- (a) Local Amendment. Section 304.1.2, Vegetation, is amended to read as follows:

Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in the wildland-urban interface areas shall be in accordance with California Fire Code Chapter 49 and the *City of San Diego Land Development Code*.

- (b) Local Addition. Section 304.1.2.1, Clearance of brush and vegetative growth from roadways, is added as follows:

The *Fire Code Official* is authorized to require areas within 10 feet (3048 mm) on each side of portions of fire apparatus access roads and driveways to be cleared of non-fire-resistive vegetation growth.

Exception: Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used for ground cover, provided they do not form a means of readily transmitting fire.

- (c) Local Addition. Section 304.1.2.2, Waste material, is added as follows:
- Waste material shall not be placed, deposited or dumped in wildland-urban interface areas, or in, on or along trails, roadways or highways or against structures in wildland-urban interface areas.

§511.0307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces

- (a) Local Amendment. Section 307.4.1, Bonfires, is amended to read as follows:

A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit.

Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

Exceptions:

- (1) Fires upon *beach areas* shall be in accordance with San Diego Municipal Code sections 63.20.5(c) and (d).
- (2) Fires are not permitted in public parks except as provided in San Diego Municipal Code section 63.0102(b)(11).

§511.0308. Open Flames.

- (a) Not Adopted. Section 308.1.4 is not adopted.

§511.0319. Mobile Food Preparation Vehicles.

- (a) Not Adopted. Sections 319.1 through 319.10.3 are not adopted.

Article 11: Fire Protection and Prevention

Division 4: Emergency Planning and Preparedness

§511.0401 General

- (a) Not Adopted. Section 401.2 is not adopted.
(b) Not Adopted. Section 401.4 is not adopted.

§511.0403 Emergency Preparedness Requirements

- (a) Not Adopted. Sections 403.3 through 403.4 are not adopted.
(b) Not Adopted. Sections 403.6 through 403.10.2.1 are not adopted.
(c) Not Adopted. Sections 403.10.2.1.2 through 403.11.5 are not adopted.
(d) Local Addition. Section 403.12.1.3, Standby Fire Department Personnel,
is added as follows:

When, in the opinion of the *Fire Code Official*, it is essential for public safety in a place of assembly or any other place where people congregate, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ one or more qualified persons, as required and approved, to be on duty at such place.

Such individuals shall be subject to the *Fire Code Official's* orders at all times when so employed and shall be in uniform and remain on duty

during the times such places are open to the public, or when such activity is being conducted. Before each performance or the start of such activity, such individuals shall (1) inspect the required fire appliances provided to see that they are in proper place and in good working order; (2) keep diligent watch for fires during the time such place is open to the public or such activity is being conducted; and (3) take prompt measures for extinguishment of fires that may occur.

Such individuals shall not, while on duty, perform any other duties than those herein specified unless otherwise directed by the *Fire Code Official*. The City shall charge the permittee the cost of such services. The cost shall be computed by the Fire Department using accepted cost accounting methods including but not limited to the cost of salary, fringe benefits and general overhead.

Time cards of the assigned personnel shall be submitted by the *Fire Code Official* to the Auditor and Comptroller and shall be prima facie evidence of the expended work hours.

§511.0404 Fire safety, evacuation and lockdown plans

- (a) Not Adopted. Section 404.1 through 404.4.1 are not adopted.

§511.0405 Emergency Evacuation Drills

- (a) Not Adopted. Sections 405.1 through 405.9 are not adopted.

§511.0406 Employee Training and Response Procedures

- (a) Not Adopted. Sections 406.1 through 406.3.4 are not adopted.

Article 11: Fire Protection and Prevention

Division 5: Fire Service Features

§511.0505 Premises Identification

- (a) Local Amendment. Section 505.1, Address Identification, is amended to read as follows:

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. For buildings used exclusively for residential purposes, such numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). For buildings used all or in part for commercial, industrial or institutional purposes, such numbers shall be a minimum of 6 inches (152.4 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where required by the *Fire Code Official*, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

§511.0507 Fire Protection Water Supplies

- (a) Local Addition. Section 507.5.7, Identification, is added as follows:

Fire protection equipment and fire hydrants shall be clearly identified in a manner approved by the *Fire Code Official* to prevent obstruction by parking and other obstructions. When required by the *Fire Code Official*, hydrant locations shall be identified by the installation of reflective blue colored markers. Such markers shall be affixed to the roadway surface, approximately centered between curbs, and at a right angle to the hydrant.

§511.0510 Emergency Responder Radio Coverage in Existing Buildings

- (a) Not Adopted. Section 510.2 is not adopted.

Article 11: Fire Protection and Prevention

Division 6: RESERVED

§511.0601 Division Reserved: Chapter 6 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 7: RESERVED

§511.0701 Division Reserved: Chapter 7 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 8: RESERVED

§511.0801 Division Reserved: Chapter 8 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 9: RESERVED

§511.0901 Division Reserved: Chapter 9 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 10: RESERVED

§511.1001 Division Reserved: Chapter 10 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 11: Construction Requirements for Existing Buildings

§511.1103 Fire Safety Requirements for Existing Buildings

- (a) Not Adopted. Sections 1103.1 through 1103.3.2 are not adopted.
- (b) Not Adopted. Sections 1103.4 through 1103.6.2 are not adopted.
- (c) Not Adopted. Sections 1103.7.1 through 1103.7.2 are not adopted.
- (d) Not Adopted. Sections 1103.7.4 through 1103.7.6 are not adopted.

§511.1104 Means of Egress for Existing Buildings

- (a) Not Adopted. Sections 1104.10 through 1104.15 are not adopted.
- (b) Not Adopted. Sections 1104.17 through 1104.23 are not adopted.
- (c) Not Adopted. Section 1104.25 is not adopted.

§511.1105 Construction Requirements for Existing Groups I-2

- (a) Not Adopted. Sections 1105.1 through 1105.11.2 are not adopted.

Article 11: Fire Protection and Prevention

Division 12: RESERVED

§511.1201 Division Reserved: Chapter 12 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 13: RESERVED

§511.1301 Division Reserved: Chapter 13 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 14: RESERVED

§511.1401 Division Reserved: Chapter 14 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 15: RESERVED

§511.1501 Division Reserved: Chapter 15 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 16: RESERVED

§511.1601 Division Reserved: Chapter 16 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 17: RESERVED

§511.1701 Division Reserved: Chapter 17 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 18: RESERVED

§511.1801 Division Reserved: Chapter 18 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 19: RESERVED

§511.1901 Division Reserved: Chapter 19 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 20: RESERVED

§511.2001 Division Reserved: Chapter 20 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 21: RESERVED

§511.2101 Division Reserved: Chapter 21 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 22: RESERVED

§511.2201 Division Reserved: Chapter 22 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 23: RESERVED

§511.2301 Division Reserved: Chapter 23 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 24: RESERVED

§511.2401 Division Reserved: Chapter 24 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 25: RESERVED

§511.2501 Division Reserved: Chapter 25 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 26: RESERVED

§511.2601 Division Reserved: Chapter 26 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 27: RESERVED

§511.2701 Division Reserved: Chapter 27 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 28: RESERVED

§511.2801 Division Reserved: Chapter 28 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 29: RESERVED

§511.2901 Division Reserved: Chapter 29 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 30: RESERVED

§511.3001 Division Reserved: Chapter 30 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 31: RESERVED

§511.3101 Division Reserved: Chapter 31 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 32: RESERVED

§511.3201 Division Reserved: Chapter 32 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 33: RESERVED

§511.3301 Division Reserved: Chapter 33 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 34: RESERVED

§511.3401 Division Reserved: Chapter 34 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 35: RESERVED

§511.3501 Division Reserved: Chapter 35 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 36: RESERVED

§511.3601 Division Reserved: Chapter 36 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 37: RESERVED

§511.3701 Division Reserved: Chapter 37 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 38: RESERVED

§511.3801 Division Reserved: Chapter 38 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 39: RESERVED

§511.3901 Division Reserved: Chapter 39 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 40: RESERVED

§511.4001 Division Reserved: Chapter 40 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 41: RESERVED

§511.4101 Division Reserved: Chapter 41 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 42: RESERVED

§511.4201 Division Reserved: Chapter 42 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 43: RESERVED

§511.4301 Division Reserved: Chapter 43 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 44: RESERVED

§511.4401 Division Reserved: Chapter 44 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 45: RESERVED

§511.4501 Division Reserved: Chapter 45 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 46: RESERVED

§511.4601 Division Reserved: Chapter 46 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 47: RESERVED

§511.4701 Division Reserved: Chapter 47 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 48: RESERVED

§511.4801 Division Reserved: Chapter 48 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 49: RESERVED

§511.4901 Division Reserved: Chapter 49 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 50: Hazardous Materials – General Provisions

§511.5001 Hazardous Materials - General Provisions

- (a) Local Addition. Section 5001.1.2, Hazardous Materials HAZMAT

Program Legislative Declaration and Findings, is added as follows:

- (1) The Council of the City of San Diego finds that the advances in technology and the increasing presence and utilization of industry useful, but otherwise hazardous materials within the commercial sector represent an increased hazard to the community and emergency response personnel during emergency situations, particularly during fire suppression activities. The increasing threat to human and environmental safety requires careful planning to maximize effective emergency response. The Council further finds that an expanded fire inspection program is appropriate in order to develop plans for the effective management of fire and related emergency incidents involving materials that pose an otherwise unusual or extra hazard to public safety.
- (2) To accomplish these objectives, the City Council hereby establishes the Hazardous Materials (HAZMAT) Inspection Program. The program shall be administered by the *Fire Code Official* and such assistance as he may designate, under the authority and provisions of the California Fire Code, as adopted by this Article.

- (3) Definition. The term "Hazardous Materials" or "HAZMAT" shall refer to all those substances as defined by the California Fire Code, as adopted and amended by this Article.

- (b) Local Addition. Section 5001.1.3, Purpose of HAZMAT Program, is added as follows:

The purpose of the HAZMAT Inspection Program is to:

- (1) Inspect occupancies, as defined in the Fire Code, within the City of San Diego, to determine the type and location of hazardous materials which may be present and the scope of risk presented by the presence of such materials.
- (2) Create HAZMAT action programs for the optimum containment, suppression and management of incendiary and related emergency response incidents involving such occupancies and materials.
- (3) Compile and analyze information relative to such materials and occupancies in fulfillment of the purposes set forth in this section.

- (c) Local Addition. Section 5001.1.4, HAZMAT Inspections, is added as follows:

- (1) The *Fire Code Official* shall cause periodic HAZMAT inspections to be made of occupancies, such as buildings, structures and installations, within the City of San Diego and determine whether hazardous material exists.
- (2) Whenever necessary to make an inspection to enforce any of the provisions of this section, the *Fire Code Official* or his authorized

representative may enter an occupancy at all reasonable times and after reasonable notice to inspect the same, provided that if such building or premises be occupied, he shall first present proper credentials to the occupants and request entry. If such building or premises is unoccupied, a reasonable effort shall be made to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, an inspection warrant pursuant to California Code of Civil Procedure section 1822.50 *et seq.*, may be sought to authorize entry without the consent of owner or other persons having charge or control of the building or premises.

- (3) During any inspection, the *Fire Code Official* or his authorized representative may request the following information from the owner, or other persons having charge or control of any building, structure or installation: (1) a listing of any hazardous material, as defined in the California Fire Code by either its chemical or common name or by description of the relevant chemical properties which render it hazardous; (2) a description of where such hazardous materials are normally located in the building, structure or installation.

The owner, or other persons having charge or control of the premises shall provide information requested under this section within 15 days.

(4) It shall be unlawful for the owner, or other persons having charge or control of the premises to refuse to provide information requested pursuant to this section, to provide false information, or to refuse entry to the *Fire Code Official* or his authorized representative when presented with a legally issued inspection warrant after notice is provided as required by law.

(d) Local Addition. Section 5001.1.5, Fees, is added as follows:

It is the policy of the City of San Diego to impose reasonable fees for full cost recovery for overhead and salaries of Fire Department personnel performing inspection services of occupancies storing, dispensing, using and handling hazardous materials. The fees shall be determined by the *Fire Code Official* after consultation with an advisory group appointed by the Mayor. The advisory group shall include representatives from the affected industrial sector. The fees shall be promulgated in the City Clerk's Composite Rate Book. Such fees shall be exclusive of any fees for permits required under any section of the Municipal Code.

Article 11: Fire Protection and Prevention

Division 51: RESERVED

§511.5101 Division Reserved: Chapter 51 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 52: RESERVED

§511.5201 Division Reserved: Chapter 52 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 53: RESERVED

§511.5301 Division Reserved: Chapter 53 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 54: RESERVED

§511.5401 Division Reserved: Chapter 54 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 55: RESERVED

§511.5501 Division Reserved: Chapter 55 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 56: Explosives and Fireworks

§511.5601 Explosives and Fireworks

- (a) Local Addition. Section 5601.1.3.1, Where Prohibited, is added as follows:

Except as hereinafter provided, it shall be unlawful for any person to possess, store, manufacture, offer for sale, expose for sale, sell at retail, or use or explode any fireworks within the incorporated City limits, or the territory outside the City over which the City has jurisdiction or control by virtue of the Constitution, Charter or any law, or by reason of ownership or control of property.

Exception: Fireworks, 1.4G and Fireworks 1.3G may be part of a public display when permitted and conducted by a State of California licensed pyrotechnic operator.

- (b) Local Addition. Section 5601.2.4.2.1, Liability Insurance, is added as follows:

Before a permit is issued pursuant to this section, the applicant shall file with the City a \$2 million combined single limit comprehensive general liability insurance policy, naming the City of San Diego as an additional insured, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit. The *Fire Code Official* may specify a greater or lesser amount when, in the *Fire Code Official's* opinion, application of recognized risk management standards and conditions at the location requires it. Public agencies shall be exempt from the requirement of the issuing of an insurance policy naming The City of San Diego as an additional insured.

Article 11: Fire Protection and Prevention

Division 57: RESERVED

§511.5701 Division Reserved: Chapter 57 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 58: RESERVED

§511.5801 Division Reserved: Chapter 58 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 59: RESERVED

§511.5901 Division Reserved: Chapter 59 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 60: RESERVED

§511.6001 Division Reserved: Chapter 60 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 61: RESERVED

§511.6101 Division Reserved: Chapter 61 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 62: RESERVED

§511.6201 Division Reserved: Chapter 62 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 63: RESERVED

§511.6301 Division Reserved: Chapter 63 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 64: RESERVED

§511.6401 Division Reserved: Chapter 64 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 65: RESERVED

§511.6501 Division Reserved: Chapter 65 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 66: RESERVED

§511.6601 Division Reserved: Chapter 66 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 67: RESERVED

§511.6701 Division Reserved: Chapter 67 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 68: RESERVED

§511.6801 Division Reserved: Chapter 68 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 69: RESERVED

§511.6901 Division Reserved: Chapter 69 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 70: RESERVED

§511.7001 Division Reserved: Chapter 70 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 71: RESERVED

§511.7101 Division Reserved: Chapter 71 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 72: RESERVED

§511.7201 Division Reserved: Chapter 72 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 73: RESERVED

§511.7301 Division Reserved: Chapter 73 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 74: RESERVED

§511.7401 Division Reserved: Chapter 74 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 75: RESERVED

§511.7501 Division Reserved: Chapter 75 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 76: RESERVED

§511.7601 Division Reserved: Chapter 76 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 77: RESERVED

§511.7701 Division Reserved: Chapter 77 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 78: RESERVED

§511.7801 Division Reserved: Chapter 78 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 79: RESERVED

§511.7901 Division Reserved: Chapter 79 of the California Fire Code is reserved

Article 11: Fire Protection and Prevention

Division 80: RESERVED

§511.8001 Division Reserved: Chapter 80 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 81: RESERVED

§511.8101 Division Reserved: Appendix Chapter 4 of the California Fire Code adopted in full

Article 11: Fire Protection and Prevention

Division 82: Appendix A through Appendix O

§511.8201 Adoption, Non-Adoption or Local Amendment to California Fire Code Appendix A through Appendix O

The California Fire Code, Appendix A through Appendix O, are hereby adopted, not adopted, or amended as follows:

- (a) *Appendix A*: Not Adopted
- (b) *Appendix B*: Adopted
- (c) *Appendix BB*: Adopted
- (d) *Appendix C*: Adopted
- (e) *Appendix CC*: Adopted
- (f) *Appendix D*:
 - (1) Adopted: California Fire Code sections D101.1, Scope, through D103.4, Dead ends, are adopted without change.
 - (2) Local Amendment: Section D103.5, Fire Apparatus Access Road Gates, is amended to read follows:
 - (a) The minimum gate width shall be 13 feet (3964 mm).
 - (b) Gates shall be of the swinging or sliding type.

- (c) Construction of gates shall be of materials that allow manual operation by one person.
 - (d) Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
 - (e) Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the *Fire Code Official*.
 - (f) Methods of locking shall be submitted for approval by the *Fire Code Official*.
 - (g) Electric gate operators, where provided, shall be listed in accordance with UL 325.
 - (h) Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.
- (3) Local Amendment. Section D103.6, Signs, is amended to read as follows:

Where required by the *Fire Code Official*, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with California Vehicle Code Section 22500.1. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

- (4) Adopted. California Fire Code, Appendix D, sections D103.6.1, Roads 20 to 26 Feet in Width, through D103.6.2, Roads More than 26 Feet in Width, are adopted.
- (5) Not Adopted. California Fire Code, Appendix D, section D104.1, Buildings Exceeding Three Stories or 30 Feet in Height, is not adopted.
- (6) Adopted. California Fire Code, Appendix D, section D104.2, Buildings Exceeding 62,000 Square Feet in Area, through D106.2, Projects Having More than 200 Dwelling Units, are adopted.
- (7) Local Addition. Appendix D, section D106.2.1, Multiple-Family Residential Developments, is added as follows:

Residential developments of more than 30 dwelling units located in a state responsibility area (SRA) or a Very High Fire Hazard Severity Zone, shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.
- (8) Adopted. California Fire Code, Appendix sections D106.3, Remoteness, through D108 Reference Standards is adopted.
 - (A) *Appendix E*: Not Adopted
 - (B) *Appendix F*: Not Adopted
 - (C) *Appendix G*: Not Adopted
 - (D) *Appendix H*: Not Adopted
 - (E) *Appendix I*: Not Adopted

- (F) *Appendix J*: Not Adopted
- (G) *Appendix K*: Not Adopted
- (H) *Appendix L*: Not Adopted
- (I) *Appendix M*: Not Adopted
- (J) *Appendix N*: Not Adopted
- (K) *Appendix O*: Not Adopted

Article 11: Fire Protection and Prevention

Division 83: Fire and Harmful Gas Emergency Alarms

§511.8300 Purpose and Intent

This Division creates a permitting system for fire and harmful gas alarm systems. It includes a schedule of penalties for *false alarms* as defined in this Division. The permitting and penalty regulations in this Division are in addition to the San Diego Police Department false alarm regulations enacted in Chapter 3, Article 3, Division 37 of this Code.

§511.8301 Definitions

Defined terms appear in italics. The following definitions apply in this Division:

Alarm agent means any *person* who is directly or indirectly employed by a *fire-harmful gas alarm business*, and whose duties include selling any *fire-harmful gas alarm system*.

Alarm system administrator means an employee of the City of San Diego designated by the *alarm system official* to administer the *fire-harmful gas alarm system* permitting, track false alarms for purposes of penalties under this Division, report on program metrics, and act as a liaison with the public.

Alarm system official means the *Chief of Police*, the *Fire-Rescue Chief*, or any other official appointed by the City Manager to preside over the *fire-harmful gas alarm system* program in this Division.

Alarm user means any *person* who operates, activates, possesses or controls a *fire-harmful gas alarm system*, or who occupies, controls, or possesses the building or structure protected by a *fire-harmful gas alarm system*.

Business tax certificate has the same meaning as *certificate* in Municipal Code section 31.0110(a).

Chief of Police has the same meaning as Municipal Code section 33.0201.

Conversion means the assumption by one *fire-harmful gas alarm business* of the duty to service, maintain or monitor a *fire-harmful gas alarm system* previously monitored by another *fire-harmful gas alarm business*.

Emergency situation means any circumstance in which there is reason to believe that: (1) there is an uncontrolled fire actively burning in or near a building or other structure; (2) there is a concentration of *harmful gas* in or near a building or other structure; or (3) there is an identifiable risk of harm to a person or property within or near a building or other structure.

Exempt user has the same meaning as in Municipal Code section 33.3702.

False alarm means any triggering of a *fire-harmful gas alarm system* that results in a response by San Diego Fire-Rescue Department personnel when an *emergency situation* does not exist. *False alarm* includes activations caused by mechanical failure, malfunction, accidental tripping, malicious tripping, misuse, or negligent maintenance by a *fire-harmful gas alarm business*, *fire-harmful gas*

alarm agent, or alarm user. False alarm does not include activations caused by weather conditions, telephone line problems, water surges, water hammers, or any other factor over which the *fire-harmful gas alarm business, fire-harmful gas alarm agent, or alarm user* do not have direct control.

Fire alarm system means a *fire-harmful gas alarm system* that is designed to monitor buildings or other structures for *emergency situations* connected to uncontrolled fires and evokes a San Diego Fire-Rescue Department response when the alarm system is triggered.

Fire-harmful gas alarm business means any *person* engaged in the enterprise of selling, installing, maintaining, servicing, inspecting, or monitoring any *fire-harmful gas alarm system*. *Fire-harmful gas alarm business* does not include the owner or property manager of an apartment complex that provides *fire-harmful gas alarm systems* in each residential unit as an amenity.

Fire-harmful gas alarm system means any mechanical or electrical monitoring device capable of giving, signaling, or transmitting a fire or *harmful gas* emergency alarm that, when triggered by an *emergency situation*, emits a sound or transmits a signal or message that is intended to evoke a response by the San Diego Fire-Rescue Department. *Fire-harmful gas alarm system* includes *fire alarm systems* and *harmful gas alarm systems*. *Fire-harmful gas alarm system* excludes manually activated residential alarm systems.

Fire-Rescue Chief means the Chief of the Fire-Rescue Department of the City of San Diego.

Fire watch means a *person* who is a site-specific guard for the purpose of detecting an *emergency situation*. *Fire watch* includes only those *persons* who are trained in the use of fire extinguishers, the notification to the San Diego Fire-Rescue Department of an *emergency situation*, and in the operation of the *fire alarm system* where the *fire watch* is stationed.

Harmful gas means any form of gas other than smoke, ash, or dust from a fire, which is capable of causing harm to *persons* or property. For example, carbon monoxide is a *harmful gas*.

Harmful gas alarm system means a *fire-harmful gas alarm system* that is designed to monitor buildings or other structures for *emergency situations* connected to *harmful gas*, and evokes a San Diego Fire-Rescue Department response when the alarm system is triggered.

Person has the same meaning as in Municipal Code section 11.0210.

Sell has the same meaning as in Municipal Code section 33.3702.

Takeover means the assumption by one *alarm user* of the control of a *fire-harmful gas alarm system* previously controlled by another *alarm user*.

§511.8302 Fire-Harmful Gas Alarm Business Requirements and Responsibilities

- (a) It is unlawful for any *person* to operate a *fire-harmful gas alarm business* without a *business tax certificate* obtained pursuant to Chapter 3 of this Code.
- (b) It is unlawful for any *person* to operate a *fire-harmful gas alarm business* not licensed as required by the State of California.

- (c) Any *fire-harmful gas alarm business* that sells any *fire-harmful gas alarm system* shall do the following:
- (1) Obtain an *alarm user* permit, using the *alarm user* permit application provided by the *alarm system official*, on behalf of the *alarm user* before putting the *fire-harmful gas alarm system* into service;
 - (2) Collect the *alarm user* permit application and permit fee from each *alarm user*; and
 - (3) Mail or hand deliver the completed *alarm user* permit application and permit fee to the *alarm system official* before putting the *fire-harmful gas alarm system* into service.
- (d) Any person or business that sells any *fire-harmful gas alarm system* and does not personally or through an agent install, maintain, service, inspect or monitor the *fire-harmful gas alarm system* for any location, shall provide to the purchaser at the time of the sale an alarm user permit application and certification form, as provided in Municipal Code section 511.8307. Subsection (c) does not apply to transactions covered under this subsection.

§511.8303 Alarm Agent Responsibilities

An *alarm agent* shall comply with all applicable licensing or registration requirements pursuant to California law.

§511.8304 Fire-Harmful Gas Alarm System Conversion

- (a) Prior to the *conversion* of any *fire-harmful gas alarm system*, the *fire-harmful gas alarm business* transferring the duty to monitor shall ensure that the *alarm user* has a valid *alarm user permit* for the *fire-harmful gas alarm system* being converted.
- (b) If the *alarm user* does not have a valid *alarm user permit* for the *fire-harmful gas alarm system* being converted, the *fire-harmful gas alarm business* transferring the duty to maintain, service, inspect or monitor shall obtain the *alarm user permit* on behalf of the *alarm user*.

§511.8305 Fire-Harmful Gas Alarm System Takeover

- (a) Upon any *takeover* of a *fire-harmful gas alarm system* maintained, serviced, inspected or monitored by a *fire-harmful gas alarm business*, the *fire-harmful gas alarm business* shall determine whether an *alarm user permit* has been issued to the *alarm user* assuming control of the *fire-harmful gas alarm system*.
- (b) Upon a determination that an *alarm user permit* has not been issued to the *alarm user* assuming control of the *fire-harmful gas alarm system*, the *fire-harmful gas alarm business* shall obtain an *alarm user permit* on behalf of the *alarm user*.
- (c) Nothing in this Division prohibits the *fire-harmful gas alarm business* from recovering from an *alarm user* the amount of the *alarm user permit fee*.

§511.8306 Alarm User Permit Required; Violation

- (a) It is unlawful for any *alarm user* to operate, activate, possess or control any *fire-harmful gas alarm system* unless the *alarm user* has a current valid *alarm user* permit issued by the *alarm system official* for that *fire-harmful gas alarm system*.
- (b) Except as provided in section 511.8302, the *alarm system official* shall collect *alarm user* permit applications and permit application fees from the *alarm user*.

§511.8307 Application for Alarm User Permit

- (a) Any *person* applying for an *alarm user* permit shall submit to the *alarm system official*, on a form provided by the *alarm system official*, a legibly written application containing the following information:
 - (1) Name, address, and telephone number of the *alarm user* (including separate mailing address if applicable);
 - (2) Classification of the alarm location as residential or commercial;
 - (3) *Fire-harmful gas alarm system* type (such as fire or carbon monoxide;
 - (4) Area covered by *fire-harmful gas alarm system*;
 - (5) Name, address, and telephone number of the *person* authorized to respond to alarm signals and to allow access to the protected building or other structure; and

- (6) Name, address, telephone number, *City business tax certificate* number, and State license number of the *fire-harmful gas alarm business* that will monitor the *fire-harmful gas alarm system*, if any.
- (b) All fees must be paid at the time the *alarm user* permit application is filed.
- (c) Each *alarm user* permit application must be accompanied by a signed certification by the *alarm user* and *fire-harmful gas alarm business* stating the following:
 - (1) The date of the installation, *conversion*, or *takeover*, whichever is applicable;
 - (2) The name, address, telephone number, *City business tax certificate* number, and State license number of the *fire-harmful gas alarm business* installing the *fire-harmful gas alarm system*, or performing the *conversion* or *takeover* of the *fire-harmful gas alarm system*;
 - (3) The name, address, and telephone number of the *fire-harmful gas alarm business* or *alarm agent* responsible for monitoring the *fire-harmful gas alarm system*, if any;
 - (4) That written operating instructions for the *fire-harmful gas alarm system*, including written guidelines regarding how to avoid *false alarms*, have been provided to the *alarm user* applying for the permit; and

- (5) That the *fire-harmful gas alarm business* has provided to the *alarm user* applying for the permit all necessary information regarding the proper use of the *fire-harmful gas alarm system*, including instruction on how to avoid *false alarms*.
- (d) The *alarm system official* may deny the application for an *alarm user* permit if any of the information required pursuant to section 511.8307 is not provided.
- (e) An application will not be considered complete if, at the time the application is being considered, any penalty fees under section 511.8310 or any fines assessed to the *person* applying for an *alarm user* permit under section 511.8315 have not been paid.

§511.8308 Expiration of Alarm User Permits

- (a) An *alarm user* permit shall expire on the last day of the twenty-fourth month following the issuance of the permit.
- (b) The *alarm user* is responsible to renew an *alarm user* permit prior to the permit's expiration.
- (c) The *alarm system administrator* shall notify the *alarm user* when a permit is due to expire at least thirty days before it expires.

§511.8309 Alarm User Permits Not Transferable

Alarm user permits shall not be transferable from one *person* to another or from one building or other structure to another.

§511.8310 Fees and Penalties for Alarm User Permit

- (a) Except as otherwise specifically provided in this Division, any *person* who files an application for an *alarm user* permit shall, at the time of filing the application, pay a fee in accordance with the City Clerk's fee rate book and any outstanding penalty fee.
- (b) Any *alarm user* who does not have an *alarm user* permit and whose *fire-harmful gas alarm system* generates a San Diego Fire-Rescue Department call for service will be notified in writing that he or she must obtain an *alarm user* permit. If the *alarm user* has not obtained an *alarm user* permit within 15 days after written notification by the San Diego Fire-Rescue Department, then the *alarm user* will be assessed a penalty for each San Diego Fire-Rescue Department call for service generated by his or her *fire-harmful gas alarm system* until the permit is obtained, which shall include cost recovery for the San Diego Fire-Rescue Department's response. The penalty schedule shall be kept in the City Clerk's fee rate book on file in the City Clerk's Office.

§511.8311 Responsibility for Fire-Harmful Gas Alarm Systems in Apartments

- (a) If an *alarm user* has multiple *fire-harmful gas alarm systems* in one building or structure, an *alarm user* permit is required for each separate system.
- (b) The tenant of a multiunit residential building or rental property whose unit contains a *fire-harmful gas alarm system* is deemed to be the *alarm*

user if the *fire-harmful gas alarm system* was not provided by the owner of the multiunit residential or other rental property.

- (c) The owner of a multiunit residential or other rental property that provides a *fire-harmful gas alarm system* to tenants shall be deemed the *alarm user*.
- (d) Each *fire-harmful gas alarm system* control panel constitutes a separate alarm system and requires a separate *alarm user* permit.

§511.8312 Fire-Harmful Gas Alarm System Direct Dial Prohibition

It is unlawful for any *person* to program, install or use any *fire-harmful gas alarm system* to direct dial any emergency or "call for service" number serving the San Diego Fire-Rescue Department's Regional Communications Center.

§511.8313 Procedures for Alarm Verification

A *fire-harmful gas alarm business* shall, after contacting the San Diego Fire-Rescue Department, attempt to contact an *alarm user* in person, by telephone, or by other electronic means, in order to verify that the alarm signal is not false.

§511.8314 Revocation of an Alarm User Permit

- (a) A violation of any of the provisions of this Division shall constitute grounds for revocation of an *alarm user* permit.
- (b) The *alarm system official* may revoke any *alarm user* permit for any *fire-harmful gas alarm system* that has had *false alarms* in excess of the number permitted in section 511.8314(f).
- (c) The *alarm system official* will indicate on an *alarm user's* records that an alarm is false if the responding San Diego Fire-Rescue Department

personnel do not find evidence that an *emergency situation* was the cause of the alarm being triggered. The *alarm system official* may amend the *alarm user's* records to indicate that the alarm was not a *false alarm* if, within ten business days of the alarm being triggered, the *alarm system official* receives satisfactory evidence to that effect. The *alarm system official* shall issue written findings of such decision within five business days of receipt of the evidence offered.

- (d) Upon revocation of any *alarm user* permit, the *alarm system official* will notify the holder of the permit in writing of the revocation.
- (e) The *alarm system official* shall notify the *alarm user* of the *alarm user's* first *false alarm* by letter.
- (f) The first two *false alarms of each calendar year* for an *alarm user* holding an *alarm user* permit shall not be penalized either by a penalty or *alarm user* permit revocation. Additional *false alarms* each calendar year will be penalized according to the penalties for false fire-harmful gas alarms contained in the City Clerk's fee rate book.
- (g) An *alarm user* permit that has been revoked pursuant to this Division is not a current valid *alarm user* permit.

§511.8315 Penalties for Alarm User Permit Revocations

- (a) An *alarm user* shall pay a penalty, according to the established rates kept in the City Clerk's fee rate book on file in the Clerk's Office, for each revocation of an *alarm user* permit and each subsequent *false alarm* San

Diego Fire-Rescue Department response that *fire-harmful gas alarm system*.

- (b) A *fire-harmful gas alarm business* shall not be liable for any penalty imposed upon an *alarm user* for exceeding the permitted number of *false alarms* if the *fire-harmful gas alarm business* obtained the *alarm user* permit on behalf of the *alarm user*.

§511.8316 Reinstatement of Revoked Permit; Alarm User Permit Appeal

- (a) An *alarm user* whose permit has been revoked pursuant to section 511.8314 may apply for reinstatement of the permit by submitting to the *alarm system official* all penalties due pursuant to section 511.8315, and written evidence satisfactory to the *alarm system official* that the cause of the *false alarms* has been identified and corrected.
- (b) The *alarm system official* may reinstate an *alarm user* permit revoked pursuant to section 511.8314 upon the receipt of all penalties due pursuant to section 511.8315 and evidence satisfactory to the *alarm system official* that the cause of the *false alarms* has been corrected. The *alarm system official* may also require such other conditions as may be appropriate to reinstate a revoked *alarm user* permit.
- (c) An *alarm user* may appeal a decision by the *alarm system official* to revoke the *alarm user* permit in accordance with the appeals process for Police Regulated Businesses found in Chapter 3, Article 3, Division 5 of this Code.

§511.8317 Use of Fire-Harmful Gas Alarm System after Permit Revocation as Public

Nuisance

- (a) The *alarm system official* may declare a *fire-harmful gas alarm system* a public nuisance when all of the following conditions are present:
- (1) The *alarm user* permit has been revoked due to *false alarms*;
 - (2) The revoked *alarm user* permit has not been reinstated;
 - (3) The cause of the *false alarms* has not been corrected;
 - (4) The *alarm user's fire-harmful gas alarm system* continues to trigger *false alarms*; and
 - (5) If revoked, the decision of the *alarm system official* to revoke the permit is not currently on appeal pursuant to Chapter 3, Article 3, Division 5 of the Municipal Code.
- (b) The *alarm system official* may remove a public nuisance designation from the *alarm user's* records when the *alarm user* permit has been reinstated and the cause of the *false alarms* has been corrected.

§511.8318 Posting a Fire Watch

The *alarm system official* may require an *alarm user* to post a *fire watch*, at the *alarm user's* expense, if a *fire alarm system* is unable to be repaired within 24 hours or if the lack of protection due to the alarm malfunctioning creates a life or property safety hazard. The *fire watch* shall be stationed at the building or other structure where the *false alarms* were generated.

§511.8319 Exceptions

The regulations in this Division do not apply to:

- (1) *Persons* engaged solely in the manufacture or repair of *fire-harmful gas alarm systems* or *fire-harmful gas alarm system* components from a fixed location who do not personally or through an agent install, or monitor the *fire-harmful gas alarm system* for any location, except as provided in section 511.8302(d).
- (2) *Exempt users* as defined in section 511.8301 of this Division.

§511.8320 Confidentiality of Records

The information furnished and secured pursuant to this Division shall not be subject to public inspection except when required by local, state, or federal law.

An *alarm user* shall have access to information regarding the administration of that user's permit.

§511.8321 Enforcement Authority

The *alarm system official* is authorized to administer and enforce the provisions of this Division. The *alarm system official* may exercise any enforcement powers as provided in Chapter 1, Article 2, Division 1 of this Code.

§511.8322 Enforcement Remedies

Except as otherwise specifically provided, violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code section 12.0201. The *alarm system official* may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal

Code section 12.0202 or pursue any administrative remedy provided in Chapter 1,
Article 2, Division 1 of this Code.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a
written copy having been made available to the Council and the public prior to the day of its
passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day
from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By/s/ Laura M. DePoister
Laura M. DePoister
Chief Deputy City Attorney

LMD:hm
Or.Dept.PSE
July 27, 2021
3/3/2022 COR.COPY
Doc. No.: 2904876_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of
San Diego, at this meeting of JAN 11 2022.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: _____
(date)

TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(Note: See memo and signature page.)

**Office of
The City Attorney
City of San Diego**

MEMORANDUM

(619) 533-5800

DATE: March 4, 2022
TO: Office of the City Clerk
FROM: Laura DePoister Deputy City Attorney
SUBJECT: O-2022-50 COR.COPY

Ordinance No. O-2022-50 was adopted on January 27, 2022 amending the San Diego Municipal Code (Municipal Code) by adding Chapter 5, Article 10, Divisions 1-83. Chapter 5, Article 10, Divisions 1-83 was intended to be the next sequential Article within Chapter 5 of the Municipal Code. While the item was pending routing and approval, an unrelated matter, Ordinance No. O-2021-96, was adopted on April 14, 2021, amending the San Diego Municipal Code by adding Chapter 5, Article 10, Divisions 1-2. As a result, Ordinance No. O-2022-50 should have been numbered as Chapter 5, Article 11, Divisions 1-83.

Pursuant to the San Diego City Charter, section 275(a):

An alteration necessary only to correct a typographical or clerical error or omission may be performed by the City Clerk with the written approval and concurrence of the City Attorney, so long as the alteration does not materially or substantially alter the contents, requirements, rights, responsibilities, conditions, or prescriptions contained in the original text of the ordinance. A typographical or clerical error shall include, but is not limited to, incorrect spelling, grammar, numbering, punctuation, transposed words or numbers, and duplicate words or numbers.

In addition to the renumbering changes, there is a typographical error on page 14 of Ordinance O-2022-50 that also needs to be corrected.

The changes to be made to Ordinance O-2022-50 (provided in strikeout format) are contained in Attachment 1.

Diane Fuentes, Deputy Director, Legislative Services
Gilbert Sanchez, Associate Management Analyst
Matthew Hilario, Legislative Recorder
Sonia Pickens, Municipal Code
March 3, 2022
Page 2

In addition, on the City's public website, the Table of Contents containing the available link to the San Diego Municipal Code as maintained by the Office of the City Clerk needs to be updated. The sections of the Municipal Code adopted as Chapter 5, Article 10, Division 1-2, do not appear in numerical order. Please see: <https://www.sandiego.gov/city-clerk/officialdocs/municipal-code/chapter-5>.

LMD:hm

Attachment

cc: Diane Fuentes, Deputy Director, Legislative Services
Gilbert Sanchez, Associate Management Analyst
Matthew Hilario, Legislative Recorder
Sonia Pickens, Municipal Code

§510.8321 Enforcement Authority

The *alarm system official* is authorized to administer and enforce the provisions of this Division. The *alarm system official* may exercise any enforcement powers as provided in Chapter 1, Article 2, Division 1 of this Code.

§510.8322 Enforcement Remedies

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By/s/ Laura M. DePoister

Laura M. DePoister

Chief Deputy City Attorney

PEF:hm

Or.Dept.PSE

July 27, 2021

Doc. No.: 2689865_3

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 11 2022.

ELIZABETH S. MALAND
City Clerk

By

[Signature]
Deputy City Clerk

Approved: 1/27/22

(date)

[Signature]
TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 1, AND SECTIONS ~~540511.0101~~, ~~540511.0102~~, ~~540511.0103~~, ~~540511.0104~~, AND ~~540511.0105~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 2, AND SECTION ~~540511.0201~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 3, AND SECTIONS ~~540511.0301~~, ~~540511.0304~~, ~~540511.0307~~, ~~540511.0308~~ AND ~~540511.0319~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 4, AND SECTIONS ~~540511.0401~~, ~~540511.0403~~, ~~540511.0404~~, ~~540511.0405~~, AND ~~540511.0406~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 5, AND SECTIONS ~~540511.0505~~, ~~540511.0507~~, AND ~~540511.0540511~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 6, AND SECTION ~~540511.0601~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 7, AND SECTION ~~540511.0701~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 8, AND SECTION ~~540511.0801~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 9, AND SECTION ~~540511.0901~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 10, AND SECTION ~~540511.1001~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 11, AND SECTIONS ~~540511.1103~~, ~~540511.1104~~, AND ~~540511.1105~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 12, AND SECTION ~~540511.1201~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 13, AND SECTION ~~540511.1301~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 14, AND SECTION ~~540511.1401~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 15, AND SECTION ~~540511.1501~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 16, AND SECTION ~~540511.1601~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 17, AND SECTION ~~540511.1701~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 18, AND SECTION ~~540511.1801~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 19, AND SECTION ~~540511.1901~~; BY ADDING

CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 20, AND SECTION ~~540511.2001~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 21, AND SECTION ~~540511.2101~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 22, AND SECTION ~~540511.2201~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 23, AND SECTION ~~540511.2301~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 24, AND SECTION ~~540511.2401~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 25, AND SECTION ~~540511.2501~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 26, AND SECTION ~~540511.2601~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 27, AND SECTION ~~540511.2701~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 28, AND SECTION ~~540511.2801~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 29, AND SECTION ~~540511.2901~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 30, AND SECTION ~~540511.3001~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 31, AND SECTION ~~540511.3101~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 32, AND SECTION ~~540511.3201~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 33, AND SECTION ~~540511.3301~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 34, AND SECTION ~~540511.3401~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 35, AND SECTION ~~540511.3501~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 36, AND SECTION ~~540511.3601~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 37, AND SECTION ~~540511.3701~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, AND DIVISION 38, AND SECTION ~~540511.3801~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 39, AND SECTION ~~540511.3901~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 40, AND SECTION ~~540511.4001~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 41, AND SECTION ~~540511.4101~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 42, AND SECTION ~~540511.4201~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 43, AND SECTION ~~540511.4301~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 44, AND SECTION ~~540511.4401~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 45, AND SECTION ~~540511.4501~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 46, AND SECTION ~~540511.4601~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11,

DIVISION 47, AND SECTION ~~540511.4701~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 48, AND SECTION ~~540511.4801~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 49, AND SECTION ~~540511.4901~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 50, AND SECTION ~~540511.5001~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 51, AND SECTION ~~540511.5101~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 52, AND SECTION ~~540511.5201~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 53, AND SECTION ~~540511.5301~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 54, AND SECTION ~~540511.5401~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 55, AND SECTION ~~540511.5501~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 56, AND SECTION ~~540511.5601~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 57, AND SECTION ~~540511.5701~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 58, AND SECTION ~~540511.5801~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 59, AND SECTION ~~540511.5901~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 60, AND SECTION ~~540511.6001~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 61, AND SECTION ~~540511.6101~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 62, AND SECTION ~~540511.6201~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 63, AND SECTION ~~540511.6301~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 64, AND SECTION ~~540511.6401~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 65, AND SECTION ~~540511.6501~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 66, AND SECTION ~~540511.6601~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 67, AND SECTION ~~540511.6701~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 68, AND SECTION ~~540511.6801~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 69, AND SECTION ~~540511.6901~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 70, AND SECTION ~~540511.7001~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 71, AND SECTION ~~540511.7101~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 72, AND SECTION ~~540511.7201~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 73, AND SECTION ~~540511.7301~~; BY ADDING CHAPTER 5, ARTICLE ~~10~~ARTICLE 11, DIVISION 74, AND SECTION ~~540511.7401~~;

BY ADDING CHAPTER 5, ~~ARTICLE 10~~ARTICLE 11,
DIVISION 75, AND SECTION ~~540511.7501~~; BY ADDING
CHAPTER 5, ~~ARTICLE 10~~ARTICLE 11, DIVISION 76, AND
SECTION ~~540511.7601~~; BY ADDING CHAPTER 5, ~~ARTICLE~~
~~10~~ARTICLE 11, DIVISION 77, AND SECTION ~~540511.7701~~;
BY ADDING CHAPTER 5, ~~ARTICLE 10~~ARTICLE 11,
DIVISION 78, AND SECTION ~~540511.7801~~; BY ADDING
CHAPTER 5, ~~ARTICLE 10~~ARTICLE 11, DIVISION 79, AND
SECTION ~~540511.7901~~; BY ADDING CHAPTER 5, ~~ARTICLE~~
~~10~~ARTICLE 11, DIVISION 80, AND SECTION ~~540511.8001~~;
BY ADDING CHAPTER 5, ~~ARTICLE 10~~ARTICLE 11,
DIVISION 81, AND SECTION ~~540511.8101~~; BY ADDING
CHAPTER 5, ~~ARTICLE 10~~ARTICLE 11, DIVISION 82, AND
SECTION ~~540511.8201~~; BY ADDING CHAPTER 5, ~~ARTICLE~~
~~10~~ARTICLE 11, DIVISION 83, AND SECTIONS ~~540511.8300~~,
~~540511.8301~~, ~~540511.8302~~, ~~540511.8303~~, ~~540511.8304~~,
~~540511.8305~~, ~~540511.8306~~, ~~540511.8307~~, ~~540511.8308~~,
~~540511.8309~~, ~~540511.8310~~, ~~540511.8311~~, ~~540511.8312~~,
~~540511.8313~~, ~~540511.8314~~, ~~540511.8315~~, ~~540511.8316~~,
~~540511.8317~~, ~~540511.8318~~, ~~540511.8319~~, ~~540511.8320~~,
~~540511.8321~~ AND ~~540511.8322~~, ALL RELATING TO FIRE
REGULATIONS AND THE ADOPTION OF THE 2019
CALIFORNIA FIRE CODE BY THE STATE OF CALIFORNIA.

WHEREAS, every three years the State of California adopts an updated version of the
California Building Standards Code, which includes the California Fire Code; and

WHEREAS, the City of San Diego (City) adopts the latest edition of the California
Fire Code in coordination with the State of California; and

WHEREAS, the City's adoption of the 2019 California Fire Code is incorporated in the
San Diego Municipal Code; and

WHEREAS, this process provides an additional opportunity for the City to modify local
regulations and maintain local and statewide consistency; and

WHEREAS, with a few modifications, the City wishes to adopt the most recent edition of
the California Fire Code, which took effect throughout the State on January 1, 2020; and

WHEREAS, this ordinance supplements state law and protects the health and safety of the citizens of the City of San Diego; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 5, ~~Article 10~~ Article 11, Divisions 1 through 83 of the San Diego Municipal Code, are hereby added as follows:

Chapter 5:

~~Article 10~~ Article 11: Fire Protection and Prevention

Division 1: Adoption of the 2019 California Fire Code

~~§510~~ §511.0101 Adoption of the 2019 California Fire Code, Purpose and Intent, and Administrative Provisions.

(a) **Portions of the California Fire Code (2019 Edition) adopted.** Except as otherwise provided in this Article, the California Fire Code (2019 Edition), which incorporates and amends the International Fire Code (2019 Edition), including adopted appendices, is hereby adopted and shall be in full force and effect. A copy of the California Fire Code (2019 Edition), is on file in the office of the City Clerk as Document No. OO-_____. The California Fire Code (2019 Edition), is referred to in this Article as the 2019 California Fire Code.

(b) **Relationship of the San Diego Municipal Code section numbers to the 2019 California Fire Code section numbers.**

This Chapter of the San Diego Municipal Code sets forth (1) the portions of the 2019 California Fire Code that the City has not adopted in the San Diego Municipal Code, (2) the portions of the 2019 California Fire Code

that the City has amended and adopted in the San Diego Municipal Code, and (3) the portions of the San Diego Municipal Code that were adopted as Local Additions that augment the 2019 California Fire Code. Text is included within this Chapter of the San Diego Municipal Code only where the City has not adopted or has amended the 2019 California Fire Code, or has adopted Local Additions that augment the 2019 California Fire Code. Otherwise, pursuant to paragraph (a) above, all portions of the 2019 California Fire Code are adopted in full.

In order to easily locate various sections of the 2019 California Fire Code contained within this Chapter of the San Diego Municipal Code, the numbering system of the Divisions within Chapter 5, ~~Article 10~~ Article 11 reflects the corresponding numbering system of the 2019 California Fire Code. For example, section 304.1.2 of the 2019 California Fire Code is reflected in Chapter 5, ~~Article 10~~ Article 11, Division 3, as section ~~540511~~ 511.0304. Also, sections within the 2019 California Fire Code retain those same section numbers when referred to within the text of the San Diego Municipal Code. For example, section 308.1.4 of the 2019 California Fire Code will also be cited as California Fire Code section 308.1.4 within the text of the San Diego Municipal Code.

Where the City has adopted an entire Chapter of the 2019 California Fire Code, the corresponding Division number within this Chapter is “reserved.”

- (c) Definitions. Whenever the following terms appear within the text of the 2019 California Fire Code, they shall have the following definitions:
Fire Code Official means the Fire-Rescue Chief of the City of San Diego, or any member of the Fire-Rescue Department designated by the Fire-Rescue Chief to carry out the provisions of this Article.
Municipality or Jurisdiction means the City of San Diego.
- (d) Effective Date. Unless otherwise stated in a specific San Diego Municipal Code section or 2019 California Fire Code section adopted by the City, the effective date of the City's Adoption/Local Amendment/Local Additions to the 2019 California Fire Code shall be January 1, 2019.
- (e) Reference to California Building Code. Any reference within the San Diego Fire Code to the "C.B.C." or "California Building Code" shall refer to those provisions of the California Building Code as adopted by Chapter 14 of the San Diego Municipal Code.

§510511.0102 Portions of the 2019 California Fire Code Not Adopted

The following sections of the 2019 California Fire Code are not adopted:

- (a) Section 105.6.30
- (b) Section 308.1.4
- (c) Sections 319.1 through 319.10.3
- (d) Section 401.2
- (e) Section 401.4
- (f) Sections 403.3 through 403.4
- (g) Sections 403.6 through 403.10.2.1

- (h) Sections 403.10.2.1.2 through 403.11.5
- (i) Sections 404.1 through 404.4.1
- (j) Sections 405.1 through 406.3.4
- (k) Section 510.2
- (l) Sections 1103.1 through 1103.3.2
- (m) Sections 1103.4 through 1103.6.2
- (n) Sections 1103.7.1 through 1103.7.2
- (o) Sections 1103.7.4 through 1103.7.6
- (p) Sections 1104.10 through 1104.15
- (q) Sections 1104.17 through 1104.23
- (r) Section 1104.25
- (s) Sections 1105.1 through 1105.11.2
- (t) APPENDIX A
- (u) Section D104.1 only of APPENDIX D
- (v) APPENDIX E through APPENDIX O

§~~510~~511.0103 Local Amendments to the 2019 California Fire Code Adopted by the City of San Diego

The following sections or sub-sections of the 2019 California Fire Code are amended by this Article:

- (a) Chapter 1, Section 109.1, "Board of Appeals"
- (b) Chapter 3, Section 304.1.2, "Vegetation"
- (c) Chapter 3, Section 307.4.1, "Bonfires"
- (d) Chapter 5, Section 505.1, "Address identification"

- (e) Appendix Chapter D, Section D103.5, "Fire apparatus access road gates"
- (f) Appendix Chapter D, Section D103.6, "Signs"
- (g) Appendix Chapter D, Section D106.2.1, "Multiple-Family Residential Developments"

~~§510~~§11.0104 Local Additions to the 2019 California Fire Code Adopted by the City

The following sections are adopted as Local Additions to the 2019 California Fire Code:

- (a) Chapter 3, Section 301.1.1, "Very High Fire Hazard Severity Zones"
- (b) Chapter 3, Section 304.1.2.1, "Clearance of Brush and Vegetative Growth from Roadways"
- (c) Chapter 3, Section 304.1.2.2, "Waste Material"
- (d) Chapter 4, Section 403.12.1.3, "Standby Fire Department Personnel"
- (e) Chapter 5, Section 507.5.7, "Identification"
- (f) Chapter 50, Section 5001.1.2, "Hazardous Materials HAZMAT Program Legislative Declaration and Findings"
- (g) Chapter 50, Section 5001.1.3, "Purpose of HAZMAT Program"
- (h) Chapter 50, Section 5001.1.4, "HAZMAT Inspections"
- (i) Chapter 50, Section 5001.1.5, "Fees"
- (j) Chapter 56, Section 5601.1.3.1, "Where Prohibited"
- (k) Chapter 56, Section 5601.2.4.2.1, "Liability Insurance"
- (l) Appendix D, Section D106.2.1, "Multiple-Family Residential Developments"

§510511.0105 California Fire Code, Chapter 1 - Scope and Administration

- (a) Not Adopted. Section 105.6.30, Mobile food preparation vehicles, is not adopted.
- (b) Local Amendment. Section 109.1, Board of Appeals, is amended to read as follows:

When a question involving the interpretation of the intent and purpose of any provisions of the San Diego Fire Code or the suitability of alternate materials and types of construction is presented to the *Fire Code Official*, the *Fire Code Official* may request the Board of Building Appeals and Advisors (Board) to investigate such matters under the procedures established in section 111.0207 of the San Diego Municipal Code regarding building inspection. The request for Board action may come from any citizen affected by the San Diego Fire Code.

~~Article 10~~ Article 11: Fire Protection and Prevention

Division 2: RESERVED

§510511.0201 Division Reserved: Chapter 2 of the California Fire Code adopted in full

~~Article 10~~ Article 11: Fire Protection and Prevention

Division 3: General Precautions Against Fire

§510511.0301 General Precautions Against Fire

- (a) Local Addition. Section 301.1.1, Very High Fire Hazard Severity Zones, is added as follows:

The Council of the City of San Diego adopts the Very High Fire Hazard Severity Zones as recommended by the Director of the California

Department of Forestry and Fire Protection, and adopts the Brush Management Zones, as defined in Municipal Code section 142.0412, as Very High Fire Hazard Severity Zones, as designated on a map titled, "Very High Fire Hazard Severity Zone Map – Local Responsibility Areas", dated July 21, 2009, on file with the City Clerk as Document number OO-19884.

§510511.0304 Combustible Waste Material

- (a) Local Amendment. Section 304.1.2, Vegetation, is amended to read as follows:

Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in the wildland-urban interface areas shall be in accordance with California Fire Code Chapter 49 and the *City of San Diego Land Development Code*.

- (b) Local Addition. Section 304.1.2.1, Clearance of brush and vegetative growth from roadways, is added as follows:

The *Fire Code Official* is authorized to require areas within 10 feet (3048 mm) on each side of portions of fire apparatus access roads and driveways to be cleared of non-fire-resistive vegetation growth.

Exception: Single specimens of tress, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used for ground cover, provided they do not form a means of readily transmitting fire.

- (c) Local Addition. Section 304.1.2.2, Waste material, is added as follows:

Waste material shall not be placed, deposited or dumped in wildland-urban interface areas, or in, on or along trails, roadways or highways or against structures in wildland-urban interface areas.

§510511.0307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces

- (a) Local Amendment. Section 307.4.1, Bonfires, is amended to read as follows:

A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit.

Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

Exceptions:

- (1) Fires upon *beach areas* shall be in accordance with San Diego Municipal Code sections 63.20.5(c) and (d).
- (2) Fires are not permitted in public parks except as provided in San Diego Municipal Code section 63.0102(b)(11).

§510511.0308. Open Flames.

- (a) Not Adopted. Section 308.1.4 is not adopted.

§510511.0319. Mobile Food Preparation Vehicles.

- (a) Not Adopted. Sections 319.1 through 319.10.3 are not adopted.

~~Article 10~~Article 11: Fire Protection and Prevention

Division 4: Emergency Planning and Preparedness

~~§510~~§511.0401 General

- (a) Not Adopted. Section 401.2 is not adopted.
- (b) Not Adopted. Section 401.4 is not adopted.

~~§510~~§511.0403 Emergency Preparedness Requirements

- (a) Not Adopted. Sections 403.3 through 403.4 are not adopted.
- (b) Not Adopted. Sections 403.6 through 403.10.2.1 are not adopted.
- (c) Not Adopted. Sections 403.10.2.1.2 through 403.11.5 are not adopted.
- (d) Local Addition. Section 403.12.1.3, Standby Fire Department Personnel, is added as follows:

When, in the opinion of the *Fire Code Official*, it is essential for public safety in a place of assembly or any other place where people congregate, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall employ one or more qualified persons, as required and approved, to be on duty at such place.

Such individuals shall be subject to the *Fire Code Official's* orders at all times when so employed and shall be in uniform and remain on duty during the times such places are open to the public, or when such activity is being conducted. Before each performance or the start of such activity, such individuals shall (1) inspect the required fire appliances provided to

see that they are in proper place and in good working order; (2) keep diligent watch for fires during the time such place is open to the public or such activity is being conducted; and (3) take prompt measures for extinguishment of fires that may occur.

Such individuals shall not, while on duty, perform any other duties than those herein specified unless otherwise directed by the *Fire Code Official*.

The City shall charge the permittee the cost of such services. The cost shall be computed by the Fire Department using accepted cost accounting methods including but not limited to the cost of salary, fringe benefits and general overhead.

Time cards of the assigned personnel shall be submitted by the *Fire Code Official* to the Auditor and Comptroller and shall be prima facie evidence of the expended work hours.

~~shall be submitted by the *Fire Code Official* to the Auditor and Comptroller and shall be prima facie evidence of the expended work hours.~~

§~~510~~511.0404 Fire safety, evacuation and lockdown plans

- (a) Not Adopted. Sections 404.1 through 404.4.1 are not adopted.

§~~510~~511.0405 Emergency Evacuation Drills

- (a) Not Adopted. Sections 405.1 through 405.9 are not adopted.

§~~510~~511.0406 Employee Training and Response Procedures

- (a) Not Adopted. Sections 406.1 through 406.3.4 are not adopted.

~~Article 10~~ **Article 11: Fire Protection and Prevention**

Division 5: Fire Service Features

~~§510511.05~~ 505 Premises Identification

- (a) Local Amendment. Section 505.1, Address Identification, is amended to read as follows:

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. For buildings used exclusively for residential purposes, such numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). For buildings used all or in part for commercial, industrial or institutional purposes, such numbers shall be a minimum of 6 inches (152.4 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where required by the *Fire Code Official*, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

§510511.0507 Fire Protection Water Supplies

- (a) Local Addition. Section 507.5.7, Identification, is added as follows:
- Fire protection equipment and fire hydrants shall be clearly identified in a manner approved by the *Fire Code Official* to prevent obstruction by parking and other obstructions. When required by the *Fire Code Official*, hydrant locations shall be identified by the installation of reflective blue colored markers. Such markers shall be affixed to the roadway surface, approximately centered between curbs, and at a right angle to the hydrant.

§510511.0510 Emergency Responder Radio Coverage in Existing Buildings

- (a) Not Adopted. Section 510.2 is not adopted.

~~Article 10~~**Article 11: Fire Protection and Prevention**

Division 6: RESERVED

§510511.0601 Division Reserved: Chapter 6 of the California Fire Code adopted in full

~~Article 10~~**Article 11: Fire Protection and Prevention**

Division 7: RESERVED

§510511.0701 Division Reserved: Chapter 7 of the California Fire Code adopted in full

~~Article 10~~**Article 11: Fire Protection and Prevention**

Division 8: RESERVED

§510511.0801 Division Reserved: Chapter 8 of the California Fire Code adopted in full

~~Article 10~~**Article 11: Fire Protection and Prevention**

Division 9: RESERVED

§510511.0901 Division Reserved: Chapter 9 of the California Fire Code adopted in full

~~Article 10~~**Article 11: Fire Protection and Prevention**

Division 10: RESERVED

§510511.1001 Division Reserved: Chapter 10 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 11: Construction Requirements for Existing Buildings

§510511.1103 Fire Safety Requirements for Existing Buildings

- (a) Not Adopted. Sections 1103.1 through 1103.3.2 are not adopted.
- (b) Not Adopted. Sections 1103.4 through 1103.6.2 are not adopted.
- (c) Not Adopted. Sections 1103.7.1 through 1103.7.2 are not adopted.
- (d) Not Adopted. Sections 1103.7.4 through 1103.7.6 are not adopted.

§510511.1104 Means of Egress for Existing Buildings

- (a) Not Adopted. Sections 1104.10 through 1104.15 are not adopted.
- (b) Not Adopted. Sections 1104.17 through 1104.23 are not adopted.
- (c) Not Adopted. Section 1104.25 is not adopted.

§510511.1105 Construction Requirements for Existing Groups I-2

- (a) Not Adopted. Sections 1105.1 through 1105.11.2 are not adopted.

~~Article 10~~Article 11: Fire Protection and Prevention

Division 12: RESERVED

§510511.1201 Division Reserved: Chapter 12 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 13: RESERVED

§510511.1301 Division Reserved: Chapter 13 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 14: RESERVED

§~~510~~511.1401 Division Reserved: Chapter 14 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 15: RESERVED

§~~510~~511.1501 Division Reserved: Chapter 15 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 16: RESERVED

§~~510~~511.1601 Division Reserved: Chapter 16 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 17: RESERVED

§~~510~~511.1701 Division Reserved: Chapter 17 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 18: RESERVED

§~~510~~511.1801 Division Reserved: Chapter 18 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 19: RESERVED

§~~510~~511.1901 Division Reserved: Chapter 19 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 20: RESERVED

§~~510~~511.2001 Division Reserved: Chapter 20 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 21: RESERVED

§510511.2101 Division Reserved: Chapter 21 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 22: RESERVED

§510511.2201 Division Reserved: Chapter 22 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 23: RESERVED

§510511.2301 Division Reserved: Chapter 23 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 24: RESERVED

§510511.2401 Division Reserved: Chapter 24 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 25: RESERVED

§510511.2501 Division Reserved: Chapter 25 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 26: RESERVED

§510511.2601 Division Reserved: Chapter 26 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 27: RESERVED

§510511.2701 Division Reserved: Chapter 27 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 28: RESERVED

§~~510~~511.2801 Division Reserved: Chapter 28 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 29: RESERVED

§~~510~~511.2901 Division Reserved: Chapter 29 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 30: RESERVED

§~~510~~511.3001 Division Reserved: Chapter 30 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 31: RESERVED

§~~510~~511.3101 Division Reserved: Chapter 31 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 32: RESERVED

§~~510~~511.3201 Division Reserved: Chapter 32 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 33: RESERVED

§~~510~~511.3301 Division Reserved: Chapter 33 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 34: RESERVED

§~~510~~511.3401 Division Reserved: Chapter 34 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 35: RESERVED

§510511.3501 Division Reserved: Chapter 35 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 36: RESERVED

§510511.3601 Division Reserved: Chapter 36 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 37: RESERVED

§510511.3701 Division Reserved: Chapter 37 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 38: RESERVED

§510511.3801 Division Reserved: Chapter 38 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 39: RESERVED

§510511.3901 Division Reserved: Chapter 39 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 40: RESERVED

§510511.4001 Division Reserved: Chapter 40 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 41: RESERVED

§510511.4101 Division Reserved: Chapter 41 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 42: RESERVED

§510511.4201 Division Reserved: Chapter 42 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 43: RESERVED

§510511.4301 Division Reserved: Chapter 43 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 44: RESERVED

§510511.4401 Division Reserved: Chapter 44 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 45: RESERVED

§510511.4501 Division Reserved: Chapter 45 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 46: RESERVED

§510511.4601 Division Reserved: Chapter 46 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 47: RESERVED

§510511.4701 Division Reserved: Chapter 47 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 48: RESERVED

§510511.4801 Division Reserved: Chapter 48 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 49: RESERVED

~~§510511.4901~~ Division Reserved: Chapter 49 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 50: Hazardous Materials – General Provisions

~~§510511.5001~~ Hazardous Materials - General Provisions

(a) Local Addition. Section 5001.1.2, Hazardous Materials HAZMAT

Program Legislative Declaration and Findings, is added as follows:

- (1) The Council of the City of San Diego finds that the advances in technology and the increasing presence and utilization of industry useful, but otherwise hazardous materials within the commercial sector represent an increased hazard to the community and emergency response personnel during emergency situations, particularly during fire suppression activities. The increasing threat to human and environmental safety requires careful planning to maximize effective emergency response. The Council further finds that an expanded fire inspection program is appropriate in order to develop plans for the effective management of fire and related emergency incidents involving materials that pose an otherwise unusual or extra hazard to public safety.
- (2) To accomplish these objectives, the City Council hereby establishes the Hazardous Materials (HAZMAT) Inspection Program. The program shall be administered by the *Fire Code*

Official and such assistance as he may designate, under the authority and provisions of the California Fire Code, as adopted by this Article.

- (3) Definition. The term "Hazardous Materials" or "HAZMAT" shall refer to all those substances as defined by the California Fire Code, as adopted and amended by this Article.

- (b) Local Addition. Section 5001.1.3, Purpose of HAZMAT Program, is added as follows:

The purpose of the HAZMAT Inspection Program is to:

- (1) Inspect occupancies, as defined in the Fire Code, within the City of San Diego, to determine the type and location of hazardous materials which may be present and the scope of risk presented by the presence of such materials.
- (2) Create HAZMAT action programs for the optimum containment, suppression and management of incendiary and related emergency response incidents involving such occupancies and materials.
- (3) Compile and analyze information relative to such materials and occupancies in fulfillment of the purposes set forth in this section.

- (c) Local Addition. Section 5001.1.4, HAZMAT Inspections, is added as follows:

- (1) The *Fire Code Official* shall cause periodic HAZMAT inspections to be made of occupancies, such as buildings, structures and

installations, within the City of San Diego and determine whether hazardous material exists.

- (2) Whenever necessary to make an inspection to enforce any of the provisions of this section, the *Fire Code Official* or his authorized representative may enter an occupancy at all reasonable times and after reasonable notice to inspect the same, provided that if such building or premises be occupied, he shall first present proper credentials to the occupants and request entry. If such building or premises is unoccupied, a reasonable effort shall be made to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, an inspection warrant pursuant to California Code of Civil Procedure section 1822.50 *et seq.*, may be sought to authorize entry without the consent of owner or other persons having charge or control of the building or premises.
- (3) During any inspection, the *Fire Code Official* or his authorized representative may request the following information from the owner, or other persons having charge or control of any building, structure or installation: (1) a listing of any hazardous material, as defined in the California Fire Code by either its chemical or common name or by description of the relevant chemical properties which render it hazardous; (2) a description of where

such hazardous materials are normally located in the building, structure or installation.

The owner, or other persons having charge or control of the premises shall provide information requested under this section within 15 days.

- (4) It shall be unlawful for the owner, or other persons having charge or control of the premises to refuse to provide information requested pursuant to this section, to provide false information, or to refuse entry to the *Fire Code Official* or his authorized representative when presented with a legally issued inspection warrant after notice is provided as required by law.

- (d) Local Addition. Section 5001.1.5, Fees, is added as follows:

It is the policy of the City of San Diego to impose reasonable fees for full cost recovery for overhead and salaries of Fire Department personnel performing inspection services of occupancies storing, dispensing, using and handling hazardous materials. The fees shall be determined by the *Fire Code Official* after consultation with an advisory group appointed by the Mayor. The advisory group shall include representatives from the affected industrial sector. The fees shall be promulgated in the City Clerk's Composite Rate Book. Such fees shall be exclusive of any fees for permits required under any section of the Municipal Code.

~~Article 10~~Article 11: Fire Protection and Prevention

Division 51: RESERVED

§~~510511~~.5101 Division Reserved: Chapter 51 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 52: RESERVED

§~~510511~~.5201 Division Reserved: Chapter 52 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 53: RESERVED

§~~510511~~.5301 Division Reserved: Chapter 53 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 54: RESERVED

§~~510511~~.5401 Division Reserved: Chapter 54 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 55: RESERVED

§~~510511~~.5501 Division Reserved: Chapter 55 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 56: Explosives and Fireworks

§~~510511~~.5601 Explosives and Fireworks

- (a) Local Addition. Section 5601.1.3.1, Where Prohibited, is added as follows:

Except as hereinafter provided, it shall be unlawful for any person to possess, store, manufacture, offer for sale, expose for sale, sell at retail, or use or explode any fireworks within the incorporated City limits, or the

territory outside the City over which the City has jurisdiction or control by virtue of the Constitution, Charter or any law, or by reason of ownership or control of property.

Exception: Fireworks, 1.4G and Fireworks 1.3G may be part of a public display when permitted and conducted by a State of California licensed pyrotechnic operator.

- (b) Local Addition. Section 5601.2.4.2.1, Liability Insurance, is added as follows:

Before a permit is issued pursuant to this section, the applicant shall file with the City a \$2 million combined single limit comprehensive general liability insurance policy, naming the City of San Diego as an additional insured, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit. The *Fire Code Official* may specify a greater or lesser amount when, in the *Fire Code Official's* opinion, application of recognized risk management standards and conditions at the location requires it. Public agencies shall be exempt from the requirement of the issuing of an insurance policy naming The City of San Diego as an additional insured.

~~Article 10~~ Article 11: Fire Protection and Prevention

Division 57: RESERVED

~~§510511.5701~~ Division Reserved: Chapter 57 of the California Fire Code adopted in full

~~Article 10~~ Article 11: Fire Protection and Prevention

Division 58: RESERVED

§510511.5801 Division Reserved: Chapter 58 of the California Fire Code adopted in full

~~Article 10~~ Article 11: Fire Protection and Prevention

Division 59: RESERVED

§510511.5901 Division Reserved: Chapter 59 of the California Fire Code adopted in full

~~Article 10~~ Article 11: Fire Protection and Prevention

Division 60: RESERVED

§510511.6001 Division Reserved: Chapter 60 of the California Fire Code adopted in full

~~Article 10~~ Article 11: Fire Protection and Prevention

Division 61: RESERVED

§510511.6101 Division Reserved: Chapter 61 of the California Fire Code adopted in full

~~Article 10~~ Article 11: Fire Protection and Prevention

Division 62: RESERVED

§510511.6201 Division Reserved: Chapter 62 of the California Fire Code adopted in full

~~Article 10~~ Article 11: Fire Protection and Prevention

Division 63: RESERVED

§510511.6301 Division Reserved: Chapter 63 of the California Fire Code adopted in full

~~Article 10~~ Article 11: Fire Protection and Prevention

Division 64: RESERVED

§510511.6401 Division Reserved: Chapter 64 of the California Fire Code adopted in full

~~Article 10~~ Article 11: Fire Protection and Prevention

Division 65: RESERVED

§510511.6501 Division Reserved: Chapter 65 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 66: RESERVED

§510511.6601 Division Reserved: Chapter 66 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 67: RESERVED

§510511.6701 Division Reserved: Chapter 67 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 68: RESERVED

§510511.6801 Division Reserved: Chapter 68 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 69: RESERVED

§510511.6901 Division Reserved: Chapter 69 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 70: RESERVED

§510511.7001 Division Reserved: Chapter 70 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 71: RESERVED

§510511.7101 Division Reserved: Chapter 71 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 72: RESERVED

§510511.7201 Division Reserved: Chapter 72 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 73: RESERVED

§510511.7301 Division Reserved: Chapter 73 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 74: RESERVED

§510511.7401 Division Reserved: Chapter 74 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 75: RESERVED

§510511.7501 Division Reserved: Chapter 75 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 76: RESERVED

§510511.7601 Division Reserved: Chapter 76 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 77: RESERVED

§510511.7701 Division Reserved: Chapter 77 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 78: RESERVED

§510511.7801 Division Reserved: Chapter 78 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 79: RESERVED

§510511.7901 Division Reserved: Chapter 79 of the California Fire Code is reserved

~~Article 10~~Article 11: Fire Protection and Prevention

Division 80: RESERVED

§510511.8001 Division Reserved: Chapter 80 of the California Fire Code adopted in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 81: RESERVED

~~§510511.8101~~ Division Reserved: Appendix Chapter 4 of the California Fire Code adopted
in full

~~Article 10~~Article 11: Fire Protection and Prevention

Division 82: Appendix A through Appendix O

~~§510511.8201~~ Adoption, Non-Adoption or Local Amendment to California Fire Code

Appendix A through Appendix O

The California Fire Code, Appendix A through Appendix O, are hereby adopted,
not adopted, or amended as follows:

- (a) *Appendix A*: Not Adopted
- (b) *Appendix B*: Adopted
- (c) *Appendix BB*: Adopted
- (d) *Appendix C*: Adopted
- (e) *Appendix CC*: Adopted
- (f) *Appendix D*:
 - (1) Adopted: California Fire Code sections D101.1, Scope, through D103.4, Dead ends, are adopted without change.
 - (2) Local Amendment: Section D103.5, Fire Apparatus Access Road Gates, is amended to read follows:
 - (a) The minimum gate width shall be 13 feet (3964 mm).
 - (b) Gates shall be of the swinging or sliding type.

- (c) Construction of gates shall be of materials that allow manual operation by one person.
 - (d) Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
 - (e) Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the *Fire Code Official*.
 - (f) Methods of locking shall be submitted for approval by the *Fire Code Official*.
 - (g) Electric gate operators, where provided, shall be listed in accordance with UL 325.
 - (h) Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.
- (3) Local Amendment. Section D103.6, Signs, is amended to read as follows:

Where required by the *Fire Code Official*, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with California Vehicle Code Section 22500.1. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

- (4) Adopted. California Fire Code, Appendix D, sections D103.6.1, Roads 20 to 26 Feet in Width, through D103.6.2, Roads More than 26 Feet in Width, are adopted.
- (5) Not Adopted. California Fire Code, Appendix D, section D104.1, Buildings Exceeding Three Stories or 30 Feet in Height, is not adopted.
- (6) Adopted. California Fire Code, Appendix D, section D104.2, Buildings Exceeding 62,000 Square Feet in Area, through D106.2, Projects Having More than 200 Dwelling Units, are adopted.
- (7) Local Addition. Appendix D, section D106.2.1, Multiple-Family Residential Developments, is added as follows:

Residential developments of more than 30 dwelling units located in a state responsibility area (SRA) or a Very High Fire Hazard Severity Zone, shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.
- (8) Adopted. California Fire Code, Appendix sections D106.3, Remoteness, through D108 Reference Standards is adopted.
 - (A) *Appendix E*: Not Adopted
 - (B) *Appendix F*: Not Adopted
 - (C) *Appendix G*: Not Adopted
 - (D) *Appendix H*: Not Adopted
 - (E) *Appendix I*: Not Adopted

- (F) *Appendix J*: Not Adopted
- (G) *Appendix K*: Not Adopted
- (H) *Appendix L*: Not Adopted
- (I) *Appendix M*: Not Adopted
- (J) *Appendix N*: Not Adopted
- (K) *Appendix O*: Not Adopted

~~Article 10~~Article 11: Fire Protection and Prevention

Division 83: Fire and Harmful Gas Emergency Alarms

§~~510511~~.8300 Purpose and Intent

This Division creates a permitting system for fire and harmful gas alarm systems. It includes a schedule of penalties for *false alarms* as defined in this Division. The permitting and penalty regulations in this Division are in addition to the San Diego Police Department false alarm regulations enacted in Chapter 3, Article 3, Division 37 of this Code.

§~~510511~~.8301 Definitions

Defined terms appear in italics. The following definitions apply in this Division:

Alarm agent means any *person* who is directly or indirectly employed by a *fire-harmful gas alarm business*, and whose duties include selling any *fire-harmful gas alarm system*.

Alarm system administrator means an employee of the City of San Diego designated by the *alarm system official* to administer the *fire-harmful gas alarm system* permitting, track false alarms for purposes of penalties under this Division, report on program metrics, and act as a liaison with the public.

Alarm system official means the *Chief of Police*, the *Fire-Rescue Chief*, or any other official appointed by the City Manager to preside over the *fire-harmful gas alarm system* program in this Division.

Alarm user means any *person* who operates, activates, possesses or controls a *fire-harmful gas alarm system*, or who occupies, controls, or possesses the building or structure protected by a *fire-harmful gas alarm system*.

Business tax certificate has the same meaning as *certificate* in Municipal Code section 31.0110(a).

Chief of Police has the same meaning as Municipal Code section 33.0201.

Conversion means the assumption by one *fire-harmful gas alarm business* of the duty to service, maintain or monitor a *fire-harmful gas alarm system* previously monitored by another *fire-harmful gas alarm business*.

Emergency situation means any circumstance in which there is reason to believe that: (1) there is an uncontrolled fire actively burning in or near a building or other structure; (2) there is a concentration of *harmful gas* in or near a building or other structure; or (3) there is an identifiable risk of harm to a person or property within or near a building or other structure.

Exempt user has the same meaning as in Municipal Code section 33.3702.

False alarm means any triggering of a *fire-harmful gas alarm system* that results in a response by San Diego Fire-Rescue Department personnel when an *emergency situation* does not exist. *False alarm* includes activations caused by mechanical failure, malfunction, accidental tripping, malicious tripping, misuse, or negligent maintenance by a *fire-harmful gas alarm business*, *fire-harmful gas*

alarm agent, or alarm user. False alarm does not include activations caused by weather conditions, telephone line problems, water surges, water hammers, or any other factor over which the *fire-harmful gas alarm business, fire-harmful gas alarm agent, or alarm user* do not have direct control.

Fire alarm system means a *fire-harmful gas alarm system* that is designed to monitor buildings or other structures for *emergency situations* connected to uncontrolled fires and evokes a San Diego Fire-Rescue Department response when the alarm system is triggered.

Fire-harmful gas alarm business means any *person* engaged in the enterprise of selling, installing, maintaining, servicing, inspecting, or monitoring any *fire-harmful gas alarm system*. *Fire-harmful gas alarm business* does not include the owner or property manager of an apartment complex that provides *fire-harmful gas alarm systems* in each residential unit as an amenity.

Fire-harmful gas alarm system means any mechanical or electrical monitoring device capable of giving, signaling, or transmitting a fire or *harmful gas* emergency alarm that, when triggered by an *emergency situation*, emits a sound or transmits a signal or message that is intended to evoke a response by the San Diego Fire-Rescue Department. *Fire-harmful gas alarm system* includes *fire alarm systems* and *harmful gas alarm systems*. *Fire-harmful gas alarm system* excludes manually activated residential alarm systems.

Fire-Rescue Chief means the Chief of the Fire-Rescue Department of the City of San Diego.

Fire watch means a *person* who is a site-specific guard for the purpose of detecting an *emergency situation*. *Fire watch* includes only those *persons* who are trained in the use of fire extinguishers, the notification to the San Diego Fire-Rescue Department of an *emergency situation*, and in the operation of the *fire alarm system* where the *fire watch* is stationed.

Harmful gas means any form of gas other than smoke, ash, or dust from a fire, which is capable of causing harm to *persons* or property. For example, carbon monoxide is a *harmful gas*.

Harmful gas alarm system means a *fire-harmful gas alarm system* that is designed to monitor buildings or other structures for *emergency situations* connected to *harmful gas*, and evokes a San Diego Fire-Rescue Department response when the alarm system is triggered.

Person has the same meaning as in Municipal Code section 11.0210.

Sell has the same meaning as in Municipal Code section 33.3702.

Takeover means the assumption by one *alarm user* of the control of a *fire-harmful gas alarm system* previously controlled by another *alarm user*.

§510511.8302 Fire-Harmful Gas Alarm Business Requirements and Responsibilities

- (a) It is unlawful for any *person* to operate a *fire-harmful gas alarm business* without a *business tax certificate* obtained pursuant to Chapter 3 of this Code.
- (b) It is unlawful for any *person* to operate a *fire-harmful gas alarm business* not licensed as required by the State of California.

- (c) Any *fire-harmful gas alarm business* that sells any *fire-harmful gas alarm system* shall do the following:
- (1) Obtain an *alarm user* permit, using the *alarm user* permit application provided by the *alarm system official*, on behalf of the *alarm user* before putting the *fire-harmful gas alarm system* into service;
 - (2) Collect the *alarm user* permit application and permit fee from each *alarm user*; and
 - (3) Mail or hand deliver the completed *alarm user* permit application and permit fee to the *alarm system official* before putting the *fire-harmful gas alarm system* into service.
- (d) Any person or business that sells any *fire-harmful gas alarm system* and does not personally or through an agent install, maintain, service, inspect or monitor the *fire-harmful gas alarm system* for any location, shall provide to the purchaser at the time of the sale an alarm user permit application and certification form, as provided in Municipal Code section 510511.8307. Subsection (c) does not apply to transactions covered under this subsection.

§510511.8303 Alarm Agent Responsibilities

An *alarm agent* shall comply with all applicable licensing or registration requirements pursuant to California law.

§510511.8304 Fire-Harmful Gas Alarm System Conversion

- (a) Prior to the *conversion* of any *fire-harmful gas alarm system*, the *fire-harmful gas alarm business* transferring the duty to monitor shall ensure that the *alarm user* has a valid *alarm user permit* for the *fire-harmful gas alarm system* being converted.
- (b) If the *alarm user* does not have a valid *alarm user permit* for the *fire-harmful gas alarm system* being converted, the *fire-harmful gas alarm business* transferring the duty to maintain, service, inspect or monitor shall obtain the *alarm user permit* on behalf of the *alarm user*.

§510511.8305 Fire-Harmful Gas Alarm System Takeover

- (a) Upon any *takeover* of a *fire-harmful gas alarm system* maintained, serviced, inspected or monitored by a *fire-harmful gas alarm business*, the *fire-harmful gas alarm business* shall determine whether an *alarm user permit* has been issued to the *alarm user* assuming control of the *fire-harmful gas alarm system*.
- (b) Upon a determination that an *alarm user permit* has not been issued to the *alarm user* assuming control of the *fire-harmful gas alarm system*, the *fire-harmful gas alarm business* shall obtain an *alarm user permit* on behalf of the *alarm user*.
- (c) Nothing in this Division prohibits the *fire-harmful gas alarm business* from recovering from an *alarm user* the amount of the *alarm user permit fee*.

§510511.8306 Alarm User Permit Required; Violation

- (a) It is unlawful for any *alarm user* to operate, activate, possess or control any *fire-harmful gas alarm system* unless the *alarm user* has a current valid *alarm user* permit issued by the *alarm system official* for that *fire-harmful gas alarm system*.
- (b) Except as provided in section 510511.8302, the *alarm system official* shall collect *alarm user* permit applications and permit application fees from the *alarm user*.

§510511.8307 Application for Alarm User Permit

- (a) Any *person* applying for an *alarm user* permit shall submit to the *alarm system official*, on a form provided by the *alarm system official*, a legibly written application containing the following information:
 - (1) Name, address, and telephone number of the *alarm user* (including separate mailing address if applicable);
 - (2) Classification of the alarm location as residential or commercial;
 - (3) *Fire-harmful gas alarm system* type (such as fire or carbon monoxide;
 - (4) Area covered by *fire-harmful gas alarm system*;
 - (5) Name, address, and telephone number of the *person* authorized to respond to alarm signals and to allow access to the protected building or other structure; and

- (6) Name, address, telephone number, *City business tax certificate* number, and State license number of the *fire-harmful gas alarm business* that will monitor the *fire-harmful gas alarm system*, if any.
- (b) All fees must be paid at the time the *alarm user* permit application is filed.
- (c) Each *alarm user* permit application must be accompanied by a signed certification by the *alarm user* and *fire-harmful gas alarm business* stating the following:
 - (1) The date of the installation, *conversion*, or *takeover*, whichever is applicable;
 - (2) The name, address, telephone number, *City business tax certificate* number, and State license number of the *fire-harmful gas alarm business* installing the *fire-harmful gas alarm system*, or performing the *conversion* or *takeover* of the *fire-harmful gas alarm system*;
 - (3) The name, address, and telephone number of the *fire-harmful gas alarm business* or *alarm agent* responsible for monitoring the *fire-harmful gas alarm system*, if any;
 - (4) That written operating instructions for the *fire-harmful gas alarm system*, including written guidelines regarding how to avoid *false alarms*, have been provided to the *alarm user* applying for the permit; and

- (5) That the *fire-harmful gas alarm business* has provided to the *alarm user* applying for the permit all necessary information regarding the proper use of the *fire-harmful gas alarm system*, including instruction on how to avoid *false alarms*.
- (d) The *alarm system official* may deny the application for an *alarm user* permit if any of the information required pursuant to section ~~540~~511.8307 is not provided.
- (e) An application will not be considered complete if, at the time the application is being considered, any penalty fees under section ~~540~~511.8310 or any fines assessed to the *person* applying for an *alarm user* permit under section ~~540~~511.8315 have not been paid.

§510511.8308 Expiration of Alarm User Permits

- (a) An *alarm user* permit shall expire on the last day of the twenty-fourth month following the issuance of the permit.
- (b) The *alarm user* is responsible to renew an *alarm user* permit prior to the permit's expiration.
- (c) The *alarm system administrator* shall notify the *alarm user* when a permit is due to expire at least thirty days before it expires.

§510511.8309 Alarm User Permits Not Transferable

Alarm user permits shall not be transferable from one *person* to another or from one building or other structure to another.

§~~510~~511.8310 Fees and Penalties for Alarm User Permit

- (a) Except as otherwise specifically provided in this Division, any *person* who files an application for an *alarm user* permit shall, at the time of filing the application, pay a fee in accordance with the City Clerk's fee rate book and any outstanding penalty fee.
- (b) Any *alarm user* who does not have an *alarm user* permit and whose *fire-harmful gas alarm system* generates a San Diego Fire-Rescue Department call for service will be notified in writing that he or she must obtain an *alarm user* permit. If the *alarm user* has not obtained an *alarm user* permit within 15 days after written notification by the San Diego Fire-Rescue Department, then the *alarm user* will be assessed a penalty for each San Diego Fire-Rescue Department call for service generated by his or her *fire-harmful gas alarm system* until the permit is obtained, which shall include cost recovery for the San Diego Fire-Rescue Department's response. The penalty schedule shall be kept in the City Clerk's fee rate book on file in the City Clerk's Office.

§~~510~~511.8311 Responsibility for Fire-Harmful Gas Alarm Systems in Apartments

- (a) If an *alarm user* has multiple *fire-harmful gas alarm systems* in one building or structure, an *alarm user* permit is required for each separate system.
- (b) The tenant of a multiunit residential building or rental property whose unit contains a *fire-harmful gas alarm system* is deemed to be the *alarm*

user if the *fire-harmful gas alarm system* was not provided by the owner of the multiunit residential or other rental property.

- (c) The owner of a multiunit residential or other rental property that provides a *fire-harmful gas alarm system* to tenants shall be deemed the *alarm user*.
- (d) Each *fire-harmful gas alarm system* control panel constitutes a separate alarm system and requires a separate *alarm user* permit.

§510511.8312 Fire-Harmful Gas Alarm System Direct Dial Prohibition

It is unlawful for any *person* to program, install or use any *fire-harmful gas alarm system* to direct dial any emergency or "call for service" number serving the San Diego Fire-Rescue Department's Regional Communications Center.

§510511.8313 Procedures for Alarm Verification

A *fire-harmful gas alarm business* shall, after contacting the San Diego Fire-Rescue Department, attempt to contact an *alarm user* in person, by telephone, or by other electronic means, in order to verify that the alarm signal is not false.

§510511.8314 Revocation of an Alarm User Permit

- (a) A violation of any of the provisions of this Division shall constitute grounds for revocation of an *alarm user* permit.
- (b) The *alarm system official* may revoke any *alarm user* permit for any *fire-harmful gas alarm system* that has had *false alarms* in excess of the number permitted in section 510511.8314(f).
- (c) The *alarm system official* will indicate on an *alarm user's* records that an alarm is false if the responding San Diego Fire-Rescue Department

personnel do not find evidence that an *emergency situation* was the cause of the alarm being triggered. The *alarm system official* may amend the *alarm user's* records to indicate that the alarm was not a *false alarm* if, within ten business days of the alarm being triggered, the *alarm system official* receives satisfactory evidence to that effect. The *alarm system official* shall issue written findings of such decision within five business days of receipt of the evidence offered.

- (d) Upon revocation of any *alarm user* permit, the *alarm system official* will notify the holder of the permit in writing of the revocation.
- (e) The *alarm system official* shall notify the *alarm user* of the *alarm user's* first *false alarm* by letter.
- (f) The first two *false alarms* of each calendar year for an *alarm user* holding an *alarm user* permit shall not be penalized either by a penalty or *alarm user* permit revocation. Additional *false alarms* each calendar year will be penalized according to the penalties for false fire-harmful gas alarms contained in the City Clerk's fee rate book.
- (g) An *alarm user* permit that has been revoked pursuant to this Division is not a current valid *alarm user* permit.

§510511.8315 Penalties for Alarm User Permit Revocations

- (a) An *alarm user* shall pay a penalty, according to the established rates kept in the City Clerk's fee rate book on file in the Clerk's Office, for each revocation of an *alarm user* permit and each subsequent *false alarm* San

Diego Fire-Rescue Department response that *fire-harmful gas alarm system*.

- (b) A *fire-harmful gas alarm business* shall not be liable for any penalty imposed upon an *alarm user* for exceeding the permitted number of *false alarms* if the *fire-harmful gas alarm business* obtained the *alarm user permit* on behalf of the *alarm user*.

§510511.8316 Reinstatement of Revoked Permit; Alarm User Permit Appeal

- (a) An *alarm user* whose permit has been revoked pursuant to section 510511.8314 may apply for reinstatement of the permit by submitting to the *alarm system official* all penalties due pursuant to section 510511.8315, and written evidence satisfactory to the *alarm system official* that the cause of the *false alarms* has been identified and corrected.
- (b) The *alarm system official* may reinstate an *alarm user permit* revoked pursuant to section 510511.8314 upon the receipt of all penalties due pursuant to section 510511.8315 and evidence satisfactory to the *alarm system official* that the cause of the *false alarms* has been corrected. The *alarm system official* may also require such other conditions as may be appropriate to reinstate a revoked *alarm user permit*.
- (c) An *alarm user* may appeal a decision by the *alarm system official* to revoke the *alarm user permit* in accordance with the appeals process for Police Regulated Businesses found in Chapter 3, Article 3, Division 5 of this Code.

§510511.8317 Use of Fire-Harmful Gas Alarm System after Permit Revocation as

Public Nuisance

- (a) The *alarm system official* may declare a *fire-harmful gas alarm system* a public nuisance when all of the following conditions are present:
- (1) The *alarm user* permit has been revoked due to *false alarms*;
 - (2) The revoked *alarm user* permit has not been reinstated;
 - (3) The cause of the *false alarms* has not been corrected;
 - (4) The *alarm user's fire-harmful gas alarm system* continues to trigger *false alarms*; and
 - (5) If revoked, the decision of the *alarm system official* to revoke the permit is not currently on appeal pursuant to Chapter 3, Article 3, Division 5 of the Municipal Code.
- (b) The *alarm system official* may remove a public nuisance designation from the *alarm user's* records when the *alarm user* permit has been reinstated and the cause of the *false alarms* has been corrected.

§510511.8318 Posting a Fire Watch

The *alarm system official* may require an *alarm user* to post a *fire watch*, at the *alarm user's* expense, if a *fire alarm system* is unable to be repaired within 24 hours or if the lack of protection due to the alarm malfunctioning creates a life or property safety hazard. The *fire watch* shall be stationed at the building or other structure where the *false alarms* were generated.

§510511.8319 Exceptions

The regulations in this Division do not apply to:

- (1) *Persons* engaged solely in the manufacture or repair of *fire-harmful gas alarm systems* or *fire-harmful gas alarm system* components from a fixed location who do not personally or through an agent install, or monitor the *fire-harmful gas alarm system* for any location, except as provided in section 510511.8302(d).
- (2) *Exempt users* as defined in section 510511.8301 of this Division.

§510511.8320 Confidentiality of Records

The information furnished and secured pursuant to this Division shall not be subject to public inspection except when required by local, state, or federal law.

An *alarm user* shall have access to information regarding the administration of that user's permit.

§510511.8321 Enforcement Authority

The *alarm system official* is authorized to administer and enforce the provisions of this Division. The *alarm system official* may exercise any enforcement powers as provided in Chapter 1, Article 2, Division 1 of this Code.

§~~510~~511.8322 Enforcement Remedies

Except as otherwise specifically provided, violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code section 12.0201. The *alarm system official* may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or pursue any administrative remedy provided in Chapter 1, Article 2, Division 1 of this Code.

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Or.Dept.PSE
July 27, 2021
3/3/2022 COR.COPY
3/10/2022 COR. COPY 2
Doc. No.:2914515

Passed by the Council of The City of San Diego on JAN 11 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 27 2022.

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

DEC 07 2021, and on JAN 27 2022.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21409